

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO.7183 OF 2016
WITH FAST/38086/2015

DEVIDAS LIMBA RATHOD
VERSUS
ASARAM GABARU AADE

Mr.Vilas P. Savant, Advocate for the applicant
Mr.K.S.Solanke, Advocate h/f Mr.S.J.Salunke, Advocate for
respondent sole

CORAM : S.M.GAVHANE, J.
DATED : 20.02.2019

P.C. :-

- . Heard learned counsel for the applicant.
2. Issue notice to the respondent. Mr.K.S.Solanke, Advocate h/f Mr.S.J.Salunke, Advocate waives service of notice for respondent sole.
3. Learned counsel for the applicant referring the grounds of delay mentioned in paragraph Nos. 3 and 4 of the application submitted that delay of 21 days has been caused in filing the appeal against the judgment and award passed by the MACT, Majalgaon in MACP No.02/2011 dated 24.08.2015 and that delay is not intentional and it is purely circumstantial.

4. Learned counsel for the respondent opposed to grant the application.

5. However, considering the grounds of delay mentioned in the paragraph Nos. 3 and 4 of the application, I find that delay is properly explained and the same is required to be condoned in the interest of justice. Therefore, the application is allowed. Delay is condoned.

6. The appeal be registered. After registering the appeal, issue notice to the respondent, returnable on 03.04.2019. Mr.K.S.Solanke, Advocate h/f Mr.S.J.Salunke, Advocate waives service of notice for respondent sole.

7. Call record and proceedings in MACP No.02/2011 from the MACT, Majalgaon.

[S.M.GAVHANE, J.]