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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1843 OF 2015

Sundar Gulab Kachrawat & Anr.	..Petitioners.
V/s.	
Ramdas Hiranman Ambekar & Ors.	..Respondents.
Mr.Abhijit P.Kulkarni for the petitioners.	
Mr.Drupad S.Patil for respondent No.1.	

CORAM : M.S.SONAK, J.

DATE : MARCH 15, 2019

ORAL JUDGMENT

Heard Mr.Kulkarni, learned counsel for the petitioners and Mr.Patil, learned counsel for respondent No.1.

2. Rule. Rule, made returnable forthwith. By consent of parties, the matter is heard finally and disposed of.

3. Challenge in this petition is to the order dated January 3, 2015 by which learned District Judge, Pune dismissed the application seeking condonation of delay of 48 days in instituting the appeal against the order dated January 7, 2014 made on application below Exhibit-5 in Regular Civil Suit No. 2039/2013.

4. Although, the reasons set out in the application seeking condonation of delay are not quite satisfactory, in order to promote

substantial justice and further subject to payment of costs, the delay can be condoned. No doubt, learned District Judge has rightly observed that the reasons set out in the application are not satisfactory, however, the fact remains that the delay is only of 48 days and further the petitioners had pleaded that he suffered an accident and sustained some injuries.

5. For all the aforesaid reasons, this petition is allowed by passing the following order :-

- a) The impugned order dated January 3, 2015 is set aside and the delay of 48 days in instituting the appeal is hereby condoned;
- b) The aforesaid is subject to the petitioners paying costs of Rs.5,000/- to the respondents within a period of four weeks from today;
- c) If the costs are not paid within the period of four weeks from today, this petition shall be deemed to have been dismissed without further reference to this Court;
- d) If the amount of costs is paid, the parties to appear before the Appeal Court on April 15, 2019 at 11.00 a.m. so that the Appeal Court may fix further date for hearing of the appeal on merits;
- e) Rule is made absolute in the aforesaid terms;
- f) All concerned to act on the basis of an authenticated copy of this order.

(M.S.SONAK, J.)