

3. Explanation for delay given by the appellants appears to be satisfactory, therefore deserves to be accepted. There is no contest from the respondents. Even from the reading of the order of the trial Court, it appears that trial Court was not justified in rejecting the application for condonation of delay and also the application for restoration. To contest the Suit on merits, one opportunity needs to be given to the plaintiff subject to imposing reasonable costs. The impugned order is set aside.

4. In this view of the matter, Subject to costs of Rs.2,500/- to be paid to the respondents, Appeal from Order is allowed. The Notice of Motion No. 3950 of 2014 stands allowed. In view of disposal of the Appeal from Order, Civil Application also stands disposed of.

(M.S.KARNIK, J.)