

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

926 CIVIL APPLICATION NO.3489 OF 2019
IN FA (STAMP) NO. 3229/2019

GAFFAR ABDUL RAZZAK SHAIKH AND ANR
VERSUS
VISHAL VITHALRAO PAWAR AND ORS

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Mr.N.D. Kendre, Advocate for the applicants.

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CORAM: V.L. ACHLIYA, J.
DATE : 21.02.2020

ORAL ORDER:

The applicants-appellants have moved this application seeking condonation of 465 days delay in filing appeal seeking enhancement of compensation for the reasons set out in detail in the application.

2. Heard learned counsel for the applicants-appellants. The Respondent Nos.1 to 3 though served, absent.

3. In brief, it is the contention of learned counsel for the applicants that the appellants have good case to succeed on merits. The delay caused in filing appeal occurred due to the reason that the applicants being poor persons could not arrange for the requisite funds to present appeal and pay court fees for the purpose of filing appeal. Only after arranging the funds

and receiving proper advise, they have presented appeal. In the process, delay of 465 days has been occurred.

4. On due consideration of submissions advanced in the light of unchallenged and uncontroverted pleadings made in the application assigning cause for condonation of delay, I am of the view that delay deserves to be condoned. No prejudice would cause to other side, if the delay is condoned as ultimately the matter will be decided on merits. If the delay is not condoned, serious prejudice may be caused to the applicants-appellants. I am therefore inclined to allow the application. Accordingly application is allowed in terms of prayer clause "B". Delay condoned.

5. Appeal be registered. Office objections, if any, be removed within two weeks from the date of registration of appeal.

6. Civil Application is disposed of in above terms.

[V.L. ACHLIYA]
JUDGE