

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

**932 CIVIL APPLICATION NO.11678 OF 2016
IN
SAST/6976/2016**

**BHIMRAJ KONDIRAM MISAL
VERSUS
ASARAM KONDIRAM MISAL AND ORS**

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Mr. D.P.Palodkar, Advocate for Applicant.
Mr. A.M.Gaikwad, Advocate for R – 1 to 4,8,11.
Mr. Yogesh Kale h/f Mr. R.R.Karpe,
Advocate for R – 12,13.

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CORAM : V.L.ACHLIYA, J.
DATE : 10/12/2020
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ORAL ORDER :

1. The applicant has moved this application seeking condonation of 66 days delay in filing Appeal for the reasons set out in detail in the application.
2. Heard Mr. D.P.Palodkar, learned counsel for applicant/appellant and Mr. A.M.Gaikwad, learned counsel for respondent Nos. 1 to 4, 8 and 11. Respondent Nos. 5 to 7, 9 and 10 though served, absent.
3. On due consideration of submissions advanced in the light of unchallenged uncontroverted pleadings made in the application assigning cause for the condonation of delay, I am of the view the delay deserves to be condoned. In case delay is not

condoned, prejudice would be caused to the applicant. On the other hand if delay is condoned no prejudice would be caused to the other side. I am, therefore, inclined to allow the application. Hence, the following order.

ORDER

- [i] The application is allowed.
- [ii] Delay is condoned.
- [iii] Appeal be registered.

**[V.L.ACHLIYA]
JUDGE**

KNP