

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

925 CIVIL APPLICATION NO.5655 OF 2012
IN FIRST APPEAL [STAMP] NO.10125 OF 2012

THE STATE OF MAHARASHTRA & ANOTHER
VERSUS
PRALHAD SHANKAR BONDADE

Mr.P.M.Kulkarni, AGP for the applicant –
State.
Mr.C.V.Dharurkar, Advocate for the
respondents.

CORAM : V.L.ACHLIYA,J.
DATE : 15.12.2020

P.C.

1] The applicants have moved this application seeking condonation of 484 days delay in filing appeal for the reasons set out in detail in the application.

2] Heard learned AGP for the applicant – State and learned counsel for the respondents–claimants.

3] Learned AGP submits that necessary amendment has been carried out and the legal heirs of the deceased respondent has been brought on record.

4] In brief, it is the contention of the learned counsel for the applicants that delay caused in filing appeal was not deliberate and intentional and mainly occurred due to administrative reasons. It is submitted that in connected First Appeal [Stamp] No.10175 of 2012 based upon the identical facts, this Court, vide order dated 20th September, 2019, condoned delay and registered the Appeal.

5] Learned counsel for the respondents – claimants submits that appropriate order may be passed as to the condonation of delay.

6] On due consideration of the 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. If the delay is condoned, no prejudice would cause to the other-side. On the contrary, if delay is not condoned, there is likelihood that a meritorious matter may be rejected for technical reasons. Accordingly, application is allowed in terms of prayer clause-B. Delay condoned. Appeal be registered.

7] Civil Application is disposed of in
above terms.

[V.L.ACHLIYA]
JUDGE

DDC