

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

913 CIVIL APPLICATION NO.5671 OF 2019
IN AOST/12105/2019
WITH CA/5672/2019
IN AOST/12105/2019

ABA NARAYAN SHEGADE AND ANOTHER
VERSUS
HAMID AKBAR SHAIKH AND OTHERS

...
Mr.R.R.Karpe, Advocate for applicants.
Mr. A.V.Hon, Advocate for R-1 & 2.

...
CORAM : V.L.ACHLIYA,J.
DATE : 14/01/2020
...

ORAL ORDER:

1. The applicants/appellants have moved this application seeking condonation of 33 days delay in filing appeal for the reasons set out in detail in the application.
2. Heard learned counsel for applicants and respondents.
3. In brief, it is the contention of learned counsel for applicants that delay in filing appeal was not deliberate and intentional. Due to old age and medical problem, the applicants could not give proper attention to the proceeding and, therefore, delay has been

caused.

4. Learned counsel for respondents opposed application with the contention that the reasons assigned are not sufficient to condone delay. The application has been filed in a most casual manner. No specific reasons have been assigned so as to satisfy that there was sufficient cause to condone delay.

5. On due consideration of submissions advanced in the light of facts pleaded in the application, I am of the view the application has been drafted in a most casual manner. But, considering the fact that delay is only of 33 days, I am inclined to allow the application and pass following order.

ORDER

- [i] The application is allowed in terms of prayer clause 'B' subject to cost of Rs. 3,000/- [Rupees Three Thousand] to be payable by the applicants to respondents.
- [ii] The cost to be paid within four weeks from the date of order. Failure to pay cost within stipulated period, the order condoning delay stands recalled and cancelled and the application be treated

as rejected. In case cost is paid,
appeal be registered and place for
admission on 25/02/2020.

6. S.O. 25/02/2020.

[V.L.ACHLIYA]
JUDGE

KNP