

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

**936 CIVIL APPLICATION NO.13248 OF 2019
IN
FAST/15509/2019**

**TABBSUM ALLANUR DESHMUKH
VERSUS
MASTAN @ ISHWAR SOPANRAO PASTE AND
ANR**

...
Mr. G.R.Syed, Advocate for applicant.
Mr. P.K.Ippar h/f Mr. S.J.Salunke,
Advocate for R – 1.

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

DATE : 17/01/2020

...
ORAL ORDER:

1. The applicant/appellant have preferred this application for condonation of 11 days delay caused in filing appeal for the reasons set out in detail in the application.

2. Heard learned counsel for applicant and respondent No. 1.

3. Learned counsel for applicant submits that delay caused in filing appeal can not be termed as intentional and deliberate. It is submitted that applicant has good case to succeed in appeal. If delay is not condoned, it would cause serious

prejudice to the applicant. No prejudice would be caused to the respondent if delay is condoned.

4. On the other hand, learned counsel for respondent No. 1 opposed the application with the contention that the reasons assigned are false and concocted and same are not sufficient to condone the delay of 11 days.

5. On due consideration of submissions advanced in the light of unchallenged, uncontroverted pleadings made in the application, I am of the view the delay deserves to be condoned. No prejudice would be caused to the respondents if delay is condoned, as ultimately the case will be decided on its own merit. On the contrary, if delay is not condoned, serious prejudice would be caused to the applicant. I am, therefore, inclined to allow the application. Accordingly, the application is allowed in terms of prayer clause 'B'. Delay condoned. Appeal be registered.

6. Civil Application disposed of in above terms.

[V.L.ACHLIYA]
JUDGE