

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

4 CIVIL APPLICATION NO.8844/2019
IN FIRST APPEAL (ST) NO.15706/2019

THE M.S.R.T.C., AHMEDNAGAR
VERSUS
VARSHA TUKARAM MORE

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Advocate for Applicant : Deshmukh Bhausaheb S.
None present for Respondent.

CORAM: V.L. ACHLIYA, J.

DATE: 20.01.2020

PER COURT :

1] This application is filed for condonation of 130 days delay in filing appeal for the reasons set out in detail in the application.

2] Heard learned counsel for the applicant. The respondent though served and appeared through Advocate failed to file reply. None present for the respondent.

3] In brief, it is the contention of learned counsel for the applicant that the delay caused in filing appeal cannot be termed as intentional and deliberate. It is submitted that the applicant – appellant is a Corporation. The decision to file appeal is taken at the level of central office. The proposal for filing appeal

was routed from divisional office to central office. In the process, there is delay of 130 days in filing appeal. It is submitted that the applicant – appellant has good case to succeed on merits. If delay is not condoned, there is every likelihood that meritorious matter may be rejected for technical reason.

4] On due consideration of the submissions advanced in the light of unchallenged and uncontroverted pleadings made in the application, I am of the view that the delay deserves to be condoned. If delay is condoned, no prejudice would be caused to respondent. On the other hand, if delay is not condoned, there is every likelihood that meritorious matter may be rejected for technical reason. I am, therefore, inclined to allow the application.

5] Accordingly, the application is allowed. Delay condoned. Appeal be registered.

(V.L. ACHLIYA, J.)