

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 CIVIL APPLICATION NO.10345 OF 2018
IN FIRST APPEAL STAMP NO.21053 OF 2018

MIRABAI BHANUDAS JAWALE & OTHERS
VERSUS
NITIN POPAT DHIWAR & ANOTHER

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Mr.Umakant Wagh, Advocate for the applicants.
Mr.S.S.Dargad, Advocate h/f.
Mr.S.G.Chapalgaonkar, Advocate for the
respondent no.2.

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CORAM : V.L.ACHLIYA,J.
DATE : 21.02.2020

P.C.

1] The applicants have moved this application seeking condonation of 263 days delay in filing appeal for the reasons set out in detail in the application.

2] Heard learned counsel for the applicants and the advocate representing the respondent no.2. The respondent no.1 though served absent.

3] In brief, it is the contention of the learned counsel for the applicants that delay caused in filing appeal cannot be

termed as deliberate and intentional. It is submitted that the applicant no.1 is old aged person. One of the son of applicant no.1 is disabled and financial condition is also not sound. Due to disability and poor financial condition of the applicants, the applicants could not present appeal within time. Appeal is preferred for enhancement of compensation. If delay is not condoned, serious prejudice may cause to the applicants. It is submitted that the applicants-appellants have good case on merits.

4] On the other hand, learned counsel for the respondent no.2 opposed application with contention that the reasons assigned are false and concocted and sufficient to condone delay.

5] On due consideration of the submissions advanced in the light of overall facts of the case, 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. Accordingly, application is allowed in terms of prayer clause-A. Delay condoned.

6] Appeal be registered subject to
removal of office objection.

7] Civil Application is disposed of in
above terms.

[V.L.ACHLIYA]
JUDGE

DDC