

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

948 CIVIL APPLICATION NO.1764/2019
IN FIRST APPEAL (ST) NO.32137/2018

BALAJI MADHAVRAO MUNDE
VERSUS
SARASWATI NAVNATH JADHAV AND OTHERS

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Advocate for applicant : Shri G.L. Kedar

Respondent nos.1 to 3 served.

Advocate for Respondent no.4 : Shri S.V. Natu

Advocate for Respondent no.5 : Shri Mohit Deshmukh

CORAM: V.L. ACHLIYA, J.

DATE: 17.01.2020

PER COURT :

1] The applicant has moved this application seeking condonation of 466 days delay in filing appeal for the reasons set out in detail in the application.

2] Heard learned counsel for the applicant and respondent nos.4 & 5. Respondent nos.1 to 3 though served are absent.

3] On due consideration of the submissions in the light of unchallenged and uncontroverted pleadings in the application assigning the cause for condonation of delay, I am of the view that the delay deserves to be condoned. If delay is not condoned, there is every likelihood that serious prejudice may cause to the applicant.

4] Present appeal is filed as a cross appeal. The appeal filed by the insurance company is already admitted. I am, therefore, of the view that the application deserves to be allowed.

5] Accordingly, the application is allowed in terms of prayer clause (B). Delay condoned. Appeal be registered.

(V.L. ACHLIYA, J.)