

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 CIVIL APPLICATION NO.13097 OF 2019
IN FA(STAMP) NO. 31518 OF 2019

SHABBIRKHAN AYUBHKHAN PATHAN THR HIS NEXT
FRIEND BROTHER NAJRKHA AYUBKHA PATHAN
VERSUS
RAKESH KAUTIK THAKRE AND ORS

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Ms.M.V. Chavan (Manal), Advocate for the
applicant.

Mr.A.S. Gandhi, Advocate for respondent nos.1
and 2.

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CORAM: V.L. ACHLIYA, J.

DATE : 21.02.2020

ORAL ORDER:

The applicant -claimant has moved
this application seeking condonation of 131
days delay in filing appeal for the reasons
set out in detail in the application.

2. Heard learned counsel for the
applicant and learned counsel representing
respondent nos.1 and 2. The respondent no.3
though served absent.

3. In brief, it is the contention of
learned counsel for the applicant that the
appeal could not be filed within time due to
poor financial condition of applicant. After

arranging funds for payment of court fees, the appeal has been presented. The appeal is filed for enhancement of compensation. If the delay is not condoned, there is every likelihood that meritorious case may be dismissed for technical reason.

4. Learned counsel for the respondent nos.1 and 2 opposed the application with the contention that the reasons assigned cannot be accepted as sufficient to condone the delay. It is submitted that the reasons assigned are false and concocted.

5. On due consideration of submissions advanced in the light of unchallenged and uncontroverted pleadings made in the application assigning cause for condonation of delay, I am of the view, the delay deserves to be condoned. Accordingly, the application is allowed in terms of prayer clause "B". Delay condoned. Appeal be registered.

6. Office objections, if any, be removed within two weeks from the date of registration of appeal.

7. Civil Application is disposed in
above terms.

[V.L. ACHLIYA]
JUDGE

SGA