

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 CIVIL APPLICATION NO.13378 OF 2019
IN FAST/34218/2019

SARFARAJ SHAUKAT SHAIKH
VERSUS
SHAIKH ARIF ABDUL RAUF AND ANR

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Mr.S.S. Kulkarni, Advocate for the applicant.
Mr.S.G. Chapalgaonkar, Advocate for
respondent no.2.
Mr.D.B. Rode, Advocate for respondent no.1.

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CORAM: V.L. ACHLIYA,J.
DATE : 22.01.2020

ORAL ORDER:

The applicant has moved this application seeking condonation of 212 days delay in filing appeal for the reasons set out in detail in the application.

2. Heard learned counsel for the applicant and counsel representing the respondent nos.1 and 2.

3. In brief, it is the contention of learned counsel for the applicant that due to poor financial condition and illness, the applicant could not arrange for the funds to prefer appeal and pay the court fees. After receiving the compensation, the applicant

could able to file the appeal. In the process, there was delay of 212 days caused in filing appeal. It is submitted that the appellant has good case to succeed. As against the claim of Rs.2,00,000/- made by the applicant, only the amount of Rs.26,000/- is awarded by the Tribunal.

4. On the other hand, learned counsel representing the respondents submit that the reasons assigned are false and concocted and the same are not sufficient to condone the delay.

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 and further taken into consideration the consequences to follow, if the delay is not condoned, I am of the view that delay deserves to be condoned. In case, the delay is condoned, no prejudice would cause to the respondents as ultimately the appeal will be decided on merit. I am therefore inclined to allow the application. Accordingly, the application is allowed in terms of prayer clause "A". Delay condoned.

6. Appeal be registered subject to removal of office objection, if any.

7. Civil Application is disposed of in above terms.

[V.L. ACHLIYA]
JUDGE

SGA