

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

911 CIVIL APPLICATION NO.14804 OF 2019
IN
FAST/37661/2019

PRAMOD PREMSINGH RATHOD AND ANR
VERSUS
NASIMA BEE WD/O UMAR KHAN PATHAN AND
ORS

...
Mr.C.V.Thombre, Advocate for applicants.
Mrs. A.S.Mantri, Advocate for R 1 to 7.

...
CORAM : V.L. ACHLIYA, J.
DATE : 17/01/2020
...

ORAL ORDER:

1. The applicants have moved this application seeking condonation of 15 days delay in filing appeal for the reasons set out in detail in the application.

2. Heard learned counsel for applicants and respondent Nos. 1 to 7/claimants.

3. In brief, it is the contention of learned counsel for applicants that delay caused in filing appeal can not be termed as intentional and deliberate. So also, it is not inordinate delay. It is submitted that delay was caused for the reason that

intimation in respect of Judgment and Award passed by Tribunal was not given by the Advocate representing applicants. On receipt of knowledge, the applicants have moved application on 23/11/2019. Copy of Judgment and Award was received on 25/11/2019. Immediately thereafter the Appeal is presented. In this back-ground, learned counsel submits that delay deserves to be condoned. It is submitted that applicants have good case to succeed in appeal.

4. On the other hand, learned counsel for respondent Nos. 1 to 7/claimants submits that the reasons assigned are false and concocted and can not be accepted as sufficient to condone the delay. She submits that the applicants/appellants appeared before the Tribunal.

5. On due consideration of submissions advanced in the light of unchallenged, uncontroverted pleadings made in the application and reasons assigned to condone delay, I am of the view the delay deserves to be condoned. No prejudice would be caused to the respondents if delay is condoned. Apart from the reasons, delay is only of 15 days.

I am, therefore, inclined to allow the application. Accordingly, the application is allowed in terms of prayer clause 'B'. Delay condoned. Appeal be registered.

6. Civil Application disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP