

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 CIVIL APPLICATION NO.14530 OF 2019
IN FAST/38293/2019

SYED NOOR S/O SYED ALI @ NOOR ALI SYED
VERSUS
M.S.R.T.C., THR DIVISIONAL CONTROLLER,
PARBHANI

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Mr.Swapnil Patil h/f Mr.P.C. Mayure, Advocate
for the applicant.

Mr.A.D. Wange, Advocate for respondent.

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CORAM: V.L. ACHLIYA,J.

DATE : 22.01.2020

ORAL ORDER:

Advocate Mr.A.D. Wange appears for
respondent and undertakes to file Vakalatnama
within one week.

2. By consent, the application is taken
up for hearing. Heard learned counsel for the
applicant and respondent.

3. The applicant-appellant has filed
this application for condonation of 98 days
delay in filing the appeal for the reasons
set out in detail in the application.

4. In brief, it is the contention of
the learned counsel for the applicant that

the delay caused in filing appeal cannot be termed as deliberate and intentional and primarily caused for the reason that due to financial poor condition, the applicant could not arrange the money to pay the court fees and arrange to file appeal. After arranging the funds, the applicant has preferred this appeal.

5. On the other hand learned counsel for the respondent opposed the application with contention that the reasons assigned cannot be accepted as sufficient cause to condone the delay. It is submitted that the reasons assigned are false and concocted.

6. On due consideration of submissions advanced in the light to unchallenged and controverted pleadings made in the application, I am of the view that the delay deserves to be condoned. No prejudice would cause to the respondent if the delay is condoned. On the contrary, if the delay is not condoned, there is every likelihood that the meritorious matter would be rejected for technical reason. I am therefore inclined to allow the application. Accordingly, the application is allowed in terms of prayer

clause "B". Delay condoned. 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