

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

927 CIVIL APPLICATION NO.86 OF 2018
IN FAST/40286/2017

ARJUN MAHADEO FUNDE AND ANR
VERSUS
SAYYAD FARUQESHA SAYYAD CHAND AND
ORS

...
Mr.S.B.Choudhari, Advocate for applicants.
Mr.S.S.Rathi, Advocate for R-3.

...
CORAM : V.L. ACHLIYA, J.
DATE : 14/02/2020

...

ORAL ORDER:

1. The applicant/appellant has preferred this application seeking condonation of 9 days delay in filing appeal for the reasons set out in detail in the application.

2. Heard learned counsel for applicants and respondent No. 3. Respondent Nos. 1 and 2 though served, absent.

3. On due consideration of submissions advanced in the light of unchallenged, uncontroverted pleadings made in the application, I am of the view the delay deserves to be condoned. No prejudice would

be caused to respondents if delay is condoned as ultimately the case will be decided on merit. On the contrary, if delay is not condoned, serious prejudice would be caused to the applicants. I am, therefore, inclined to allow the application. Accordingly, the application is allowed in terms of prayer clause 'B'. Delay condoned. Appeal be registered.

4. Civil Application disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP