

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 CIVIL APPLICATION NO.14845 OF 2019
IN FIRST APPEAL STAMP NO.39164 OF 2019

KALYANI PRASAD HIRE
VERSUS
MOHD. MUJEEBUDDIN QUAZI MOHD.MUMATAZUDDIN
QUAZI & OTHERS

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Mr.P.C.Mayure, Advocate for the applicant.
Mr.Anand D.Wange, Advocate for the respondent
no.2.
Mr.N.T.Tribhuwan, Advocate for the respondent
no.3.

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CORAM : V.L.ACHLIYA,J.
DATE : 28.02.2020

P.C.

1] The applicant has moved this application seeking condonation of 322 days delay in filing appeal for the reasons set out in detail in the application.

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

3] On due consideration of the 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 that delay deserves to be condoned. If delay is condoned, no serious prejudice would cause to the other-side as ultimately appeal will be decided on its own merit. On the contrary, if delay is not condoned, there is every likelihood that serious prejudice may cause to the applicant-appellant. I am, therefore, inclined to allow the application. Accordingly, application is allowed in terms of prayer clause-B. Delay condoned.

4] Appeal be registered. Office objections, if any, be removed within two weeks from the date of registration of the appeal.

5] Civil Application is disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

DDC