

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

906 CIVIL APPLICATION NO. 3044 OF 2019
IN
FAST/2817/2019

CHHAGAN BHANUDAS PATOLE
VERSUS
VITTHAL SHIVAJI DARKUNDE AND ANR

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Mr. D.R.Markad, Advocate for Applicant.
Mr. M.R.Sonawane, Advocate for R – 1.
Mr. A.S.Usmanpurkar, Advocate for R – 2.

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CORAM : V.L.ACHLIYA, J.
DATE : 02/02/2021

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ORAL ORDER :

1. The applicant has moved this application seeking condonation of 252 days delay in filing Appeal.
2. Heard learned counsel for applicant and counsel representing the respondents.
3. In brief, it is the contention of learned counsel for applicant that delay caused in filing Appeal primarily caused due to poor financial condition of applicant and delay was not deliberate and intentional.
4. On the other hand, learned counsel for respondents submits that the reasons assigned for

condonation of delay are not genuine and sufficient to condone the delay.

5. On due consideration of submissions advanced in the light of unchallenged uncontroverted pleadings made in the application assigning cause for condonation of delay, I am of the view the delay deserves to be condoned. If delay is not condoned there is likelihood that meritorious matter to be rejected for technical reasons. I am, therefore, inclined to condone the delay. Accordingly, the application is allowed. Delay condoned. Appeal be registered.

6. The application disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP