

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

909 CIVIL APPLICATION NO.3194 OF 2019
IN SAST/20508/2018

KUMAR MASAJI GHANSAWANT
VERSUS
MOTISINGH SAJJANSINGH MUNOT AND ORS

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Advocate for Applicant : Mr. A.S. Deshmukh
Advocate for Respondents : Mr. P.S. Mantri h/f. S.P. Brahme for R/1
Advocate for Respondents : Mr. M.P. Tripathi for R/2

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CORAM : M.G. SEWLIKAR, J.
DATE : 21.01.2021

PC.:-

Heard Shri A.S. Deshmukh learned counsel for the applicant, Shri P.S. Mantri h/f. S.P. Brahme learned counsel for the respondent no.1 and Shri M.P. Tripathi learned counsel for the respondent no.2. The cause shown for delayed presentation of appeal is that the applicant could not make provisions of finance and for collection of documents and for the appointment of advocate at Aurangabad. The delay caused is of 34 days only. Learned counsel Shri Deshmukh submits that though the office has calculated delay of 34 days in fact the delay is of 22 days only. On making calculations there is substance in what Shri Deshmukh is contending. Shri Deshmukh contended that time was consumed in collecting copies, documents and appointment of

advocate. There is delay of only 22 days in preferring the appeal. Learned counsel Shri Mantri and Shri Tripathi submit that no cause is assigned for not preferring the appeal within the period of limitation, therefore, the application deserves to be rejected.

2. Having regard to the fact that the delay is of only 22 days, I am inclined to condone the delay. The cause assigned in the application appears to be a sufficient cause. At this stage, learned counsel Shri Mantri submitted that if the Court is inclined to condone the delay, the appeal be registered for admission soon after its registration. Learned counsel Shri Deshmukh has no objection for the same. In view of this, following order is passed:

ORDER

- I) Application is allowed.
- II) The delay is condoned.
- III) Appeal be registered if it is fit for registration. The appeal be listed for admission after registration.

[M.G. SEWLIKAR, J.]