

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

**17 CIVIL APPLICATION NO.1141 OF 2018  
IN FAST/27665/2017**

**SAVITA MOHANRAO DUDBHATE AND ANR  
VERSUS  
BABURAO GUNAJI NAYANE AND ANR**

Mr. Apparao Yenegure, Advocate for the applicants  
Mr. R. R. Suryawanshi, Advocate for the respondent No.1  
Mr. V. B. Kulkarni, Advocate for respondent No. 2

**CORAM : V. L. ACHLIYA, J.**

**DATE : 01-02-2021**

**P. C.**

. The applicants have moved this application seeking condonation of 58 days delay in filing of appeal for the reasons set out in detail in the application.

2. Heard learned counsel for the applicant, learned counsel for respondent No.1. Mr. Kulkarni, learned counsel appears for respondent No.2 and undertakes to file vakalatnama within one week.

3. In brief, it is the contention of the learned counsel for the applicants that delay in filing of appeal was not intentional and deliberate. It is submitted that the appellant has good case to succeed in appeal. In case, delay is not condoned serious prejudice

may cause to the appellant.

4. 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. In case, delay is not condoned, there is every likelihood that a meritorious matter may be rejected for technical reasons. Hence, the application is allowed in terms of prayer clause-B.

5. Appeal be registered.

6. The application is disposed of in above terms.

**[ V. L. ACHLIYA, J. ]**