

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3230 OF 2015
IN
FIRST APPEAL (STAMP) NO. 17425 OF 2014**

Mr. Rajaram Kerba Mane ... Applicant
Vs.
Mrs. Anubai Namdeo Kamble & Ors. ... Respondents

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Mr.Panchshil Patil i/b. Mr. Akshay P. Shinde for the Applicant.

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CORAM: MADHAV J. JAMDAR, J.

DATE : 18th SEPTEMBER, 2021.

P. C. :-

1. Heard Mr. Panchshil Patil i/b. Mr. Akshay Shinde, learned Advocate for the applicant. As per the office remark all the respondents are duly served. None appears for the respondents.

2. This application is taken out for condonation of delay of about 1 year and 294 days in filing the First Appeal challenging the judgment and award dated 16th June, 2012 passed by learned Member, M.A.C.T., Kolhapur in M.A.C.P. No. 693 of 2009.

3. Mr. Panchsheel Patil, learned counsel appearing for the applicant submitted that the financial condition of the applicant is very poor. He is working as waiter in hotel. Due to financial difficulties time was required for collecting funds for payment of the Court fees and other expenses. He further submitted that the brother of the applicant has passed away and therefore, the responsibility of his widow and daughter is also on the applicant. Thus, there is delay in filing the First Appeal.

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4. The delay is satisfactorily explained in the Civil Application. Although respondents are served as per office note, however no reply is filed to this Civil Application and none has filed appearance for the respondents. Thus, the contentions raised in the Civil Application have remained uncontroverted.

5. In the facts and circumstances of this case, the Civil Application is allowed in terms of prayer clause (b).

6. The Civil Application is disposed of accordingly.

(MADHAV J. JAMDAR, J.)