

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

937 CIVIL APPLICATION NO.5848 OF 2018
IN FAST/3611/2018

DATTA RAGHUNATH KANGADE (DYSPHYSIC / DEMENTIC) THR HIS NEXT
FRIEND HIS WIFE GEETA DATTA KANGADE
VERSUS
KAILAS UTTAM KANGADE AND ANR

...
Advocate for Applicant : Mr. S.S. Dargad h/f. Deshmukh Mohit R.
...

CORAM : Y.G. KHOBRAGADE, J.
DATE : 16th November, 2022

PC.:-

1. Heard advocate Mr. S.S. Dargad h/f. Mr. M.R. Deshmukh learned counsel appearing for the applicant at length. Though the respondent nos.1 and 2 are duly served, however, failed to appear in the matter.
2. The applicant has filed the present application and prayed for condonation of delay of 315 days caused in filing appeal against the judgment and award dated 23.12.2016 passed by the learned Member, M.A.C.T., Beed in M.A.C.P No.319/2014 on the ground that though he received the certificate copy of judgment and award as well as copy of evidence, however, due to his ailment he could not file appeal within the stipulated period, hence delay has been caused. The cause of the applicant was not rebutted on part of the non-

applicants. The reasons for condonation of delay is *bona fide* and substantial, hence the said delay is liable to be condoned. Hence, I proceed to pass the following order:

ORDER:

- I) The Civil Application is hereby allowed.
- II) The delay of 315 days caused in filing appeal is hereby condoned.
No order as to costs.
- III) The applicant shall not be entitled for the interest for the delayed period.

[Y.G. KHOBRADE, J.]