

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 CIVIL APPLICATION NO.7447 OF 2022
IN FAST/646/2022

RIYAZ SHARFODDIN SAYYED
VERSUS
SIRAJ ISMAIL SHAIKH AND ANR

...
Advocate for Applicant : Mr. Patel Fayaz K.
Advocate for Respondent No.1 : Mr. Y. I. Thole and S. M. Vaidya
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 17/10/2023

PER COURT :

1. The present application is filed for condonation of delay of 36 days caused in filing the appeal. The learned Advocate for the applicant submits that due to ill health and restrictions of movements of leg of the applicant/appellant caused due to accident, applicant/appellant was prevented to contact Advocate. Applicant was having financial crises after accident. Applicant/appellant is the sole earning member of his family. After contact with the Advocate at Aurangabad, the Advocate asked for some documents to prefer the appeal, therefore the time was consumed for providing the documents.
2. The learned Advocate for the applicant/appellant submits that the period of delay was also covered within the exemption granted by

the Hon'ble Supreme Court, and as such, there would not be any delay.

3. In view of the submissions made and for the reasons stated in the application, the delay, of 36 days as stated is condoned. The application is allowed and disposed of.

4. The first appeal is **Admitted**.

5. After admission, the learned Advocate Mr. Y. I. Thole and Mr. S. M. Vaidya waives service of notice on behalf of respondent No.1.

6. List the matter for hearing after six months.

(ARUN R. PEDNEKER, J.)

vj gawade/-.