

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

**CIVIL APPLICATION NO.152 OF 2018
IN SAST/5306/2017**

**MOHAN ANANDRAO DESHMUKH
VERSUS
THE COMMISSIONER AURANGABAD MUNICIPAL CORPORATION
AURANGABAD AND OTHERS**

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Advocate for Applicants : Mr. V. R. Patil
Advocate for Respondent Nos. 2 and 3 : Mr. A. P.
Bhandari

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CORAM : R.M. JOSHI, J

DATE : APRIL 21, 2023

PER COURT :

1. This application is filed for condonation of delay of 1379 days caused in filing second appeal against judgment and decree passed in R.C.A. No. 170/2012 dated 08.02.2013.

2. It is the contention of the Applicant that on account of time taken in legal process for obtaining certified copy etc, the Appeal could not be filed in time. Learned Counsel for the Applicant states that the Appeal is already filed against the same judgment and decree by the Respondent – Corporation. Thus, according to him, no prejudice will be caused to the Respondent is the delay is condoned.

3. Learned Counsel for the Respondents opposed the application by stating that no sufficient reason is made out for condonation of delay.

4. Perusal of the application indicates that efforts were taken by the applicant and delay caused in filing appeal in time does not appear deliberate. For want of attributable to the Applicant and also in view of the fact that an appeal is already filed by the Respondent – Corporation before this Court, no prejudice will be caused to the Respondents if delay is condoned.

5. Hence, the application is allowed in terms of prayer clause 'B' subject to payment of cost of Rs. 2,000/- to the High Court Legal Services Sub-Committee, Aurangabad within a period of two weeks. On failure to pay cost in time, this order would stand vacated automatically without further reference of this Court and civil application stands dismissed.

6. If cost is deposited in time, second appeal be registered.

(R.M. JOSHI, J.)