

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

39 WRIT PETITION NO.7070 OF 2022

**VIJAYNATH KERBA CHOLE AND OTHERS
VERSUS
NAGNATH KERBA CHOLE AND ANOTHER**

...

Advocate for Petitioners : Mr. Balbhim R. Kedar
Advocate for Respondent No.1 : Mr. V.P. Sawant
Advocate for Respondent No.2 : Mr. A.D. Hande

...

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 08-02-2023

PER COURT :

. By this petition, the challenge is to the order dated 13.06.2022 passed in Civil Misc. Application No. 2 of 2022 whereby the application seeking condonation of delay in preferring the appeal came to be allowed.

2. The appeal has been preferred against the compromise award passed by Lok Adalat.

3. The learned advocate for the petitioners submits that the objection to the impugned order dated 13.06.2022 is that the appeal itself is not maintainable and as such there is no question of the condonation of delay.

4. The learned advocates for the respondents fairly concede

to this position.

5. The impugned order dated 13.06.2022 is hereby quashed and set aside.

6. Liberty to the respondent no.1 to file the appropriate proceedings before the appropriate forum challenging the impugned award. If such proceedings is filed, the time spent in prosecuting the appeal to be considered under Section 14 of the Limitation Act.

7. Writ petition stands allowed in the above terms.

(SHARMILA U. DESHMUKH, J.)

GGP