

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

CIVIL APPLICATION NO. 17215 OF 2022
IN SAST/24462/2019

KAUSHALYBAI ASARAM PAWAR
VERSUS
VARSHA RAJU NIKAM AND OTHERS

...
Advocate for Applicant : Mr. Dhaware Rajkumar B.
Advocate for Respondents : Mr. Anand S. Deshpande

**CORAM : R.M. JOSHI, J.
DATE : 19th April, 2023**

PER COURT :

1. Learned counsel Mr. Deshpande, causes appearance on behalf of the respondents. He undertakes to file Vakalatnama. Office to accept Vakalatnama.

2. This application is filed for condonation of delay of 193 days in preferring Second Appeal against the judgment and decree passed in RCS No. 204/ 2017 dated 15.10.2018. According to the applicants, due to financial crises and age of the applicant, he could not manage the expenses and Advocate fees and hence, delay is caused.

3. Learned Advocate for the applicant states that with Legal Aid, this appeal is filed which supports the contention of the application about the financial crises undergone by him.

4. Learned counsel for the respondent vehemently opposed the said application. According to him, the reasons sought to be made in the application for delay are not satisfactory.

5. Perusal of the application, wherein, there is a mention about the financial difficulties of the applicant is duly supported with the fact that the present appeal is filed with Legal Aid.

6. This Court does not find any deliberate or intentional act on the part of the applicant in not preferring the application in time. Since no malafides can be attributed to the applicant in not filing application in time and also no prejudice will cause to the respondent if the delay is condoned, application deserves to be allowed.

7. Hence, application stands allowed in terms of prayer clause 'b'. Appeal be registered.

8. Civil Application stands disposed of.

[R.M. JOSHI, J.]