

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

**CIVIL APPLICATION NO.16633 OF 2022 IN
FIRST APPEAL ST. NO. 31218 OF 2022**

Sanghmitra s/o Santosh Gajghat

Applicant

Versus

Santosh s/o Ankush Gajghat

Respondent

Mr. R. R. Karpe, advocate for the Applicant

Mr. S. B. Solanke, advocate for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 13th February, 2023.

PC :

Heard rival submissions.

The applicant is seeking condonation of delay of only 26 days, which appears to be caused due to some legal technicalities because he was not party to the original proceedings.

The learned Counsel for the sole Respondent strongly opposed the application on the ground that the appeal itself is not maintainable and, therefore, there cannot be any question of condonation of delay. However, the learned

Counsel for the applicant states that he would satisfy as to how the appeal is maintainable.

In view of the same and by keeping the issue of maintainability of the appeal open and also considering the statutory right of the applicant, delay of only 26 days stands condoned.

Appeal be placed for admission after removal of office objections, if any.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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The learned Counsel for the respondent waives
service in appeal.

Appeal be listed on 27.02.2023.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb