



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 CIVIL APPLICATION NO. 11180 OF 2023
IN SAST/26216/2023
WITH
CIVIL APPLICATION NO. 11181 OF 2023
IN SAST/26214/2023

SHANKAR PANDURANG SAKHARE AND ANR
VERSUS
SHANKAR MAHADEV LOKHANDE

Mr. Vinayak H. Solanke h/for Mr. R. T. Deshmukh, Advocate for
Applicants

Ms. Vishakha Patil, i/by Talekar And Associates, Advocate for the
Respondents

CORAM : Y. G. KHOBRAGADE, J.

DATE : 22nd March, 2024

ORDER:

1. Heard learned counsel appearing for the applicants and
learned counsel for the respondent at length.

2. By the present applications, the applicants prayed for
condonation of delay of 92 days caused while lodging the appeal
against the judgment and order passed by the first appellate court
dated 06.02.2023 arising out of the judgment and decree dated
29.08.2019 passed by the Joint Civil Judge (JD), Kalam in Regular
Civil Suit No. 259 of 2019.

3. The learned counsel appearing for the respondent strongly
resisted the application on the ground that delay is not bonafide and it
has not been sufficiently explained by the applicants.

4. It is settled law that the litigants should not be deprived from receiving justice on technical ground and if the delay is bonafide and sufficiently explained, the court should take a liberal approach while condoning the delay.

5. In the case in hand, the reason assigned for the delay is that the applicants are old aged persons and due to their ailment, they could not knock the doors of the court within the prescribed period and, therefore delay of 92 days caused, which appears to be bonafide and and substantial.

6. In view of the above, the applications are allowed. The delay is hereby condoned.

7. Office to register the appeals and place before this Court for further action on 18.04.2024.

(Y. G. KHOBRAGADE, J.)

JPChavan