

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, orders or Registrar's	Court's or Judge's orders.
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CIVIL APPLICATION NO. 7259 OF 2014
IN AOST/737/2014 WITH CA/7261/2014 IN
AOST/737/2014

MANIKRAO GANGARAM KADAM
VERSUS
BALAJI GANGADHARRAO DHOPATE(AMBULGEKAR) AND
OTHERS

Advocate for Applicant : Mr. V. P. Sawant, Advocate h/f
Mr. Gaikwad Anil M.

Advocate for Respondent No.1: Mr. P. P. Uttarwar.

Advocate for Respondent No.3: Mr. A. B. Shinde.

CORAM: T. V. NALAWADE, J.
DATED: 10th August, 2015.

PER COURT:

1. The application is filed for condonation of delay of 428 days caused in filing Appeal from Order against judgment and order of R.C.A. No.27 of 2006 which was pending in the Court of District Judge-1, Kandhar. The District Judge has allowed the appeal of the plaintiff and has remanded the matter back to the trial Court. Opportunity is to be given to the owner to get the land

measured again to ascertain the encroachment.

2. The applicant has contended that he was sick and due to illness he could not take steps and delay has been caused.

3. There is a contention of the plaintiff that area of around 60 Ares portion is encroached by the defendant and present applicant is the defendant. In view of this circumstance and as the plaintiff is required to spend on the present proceeding, this Court holds that delay can be condoned only subject to payment of costs of Rs.5,000/- to the respondent. The costs amount is to be deposited prior to 28th August, 2015. If the costs amount is not deposited the matter is to be treated as dismissed. If the costs amount is deposited, it is to be given to the plaintiff and then the matter is to be placed before this Court for further orders. Subject to the aforesaid condition, delay is condoned and civil application is allowed and disposed of accordingly.

[T. V. NALAWADE, J.]

Dt.10/08/2015
ans/7259