

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.6389 OF 2013
IN
SECOND APPEAL NO.721 OF 2004

PANDHARI RAMJI LAVARE, DIED,
THROUGH LR'S AND OTHERS

APPLICANTS

VERSUS

DADARAO SHRIPATRAO LAVARE, DIED,
THROUGH LR'S AND OTHERS

RESPONDENTS

Mr.S.V.Mundhe, Advocate for the applicants.

Mrs.M.A.Kulkarni, Advocate for respondent Nos.1A, 1B, 1C and 1E.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 23/04/2015

PER COURT :

1. By this application, the applicants pray for condonation of 317 days delay caused in bringing the LR's of the deceased appellant No.2 Ram Pandhari on record. It is submitted that the delay caused is neither intentional nor deliberate. No harm or prejudice would be caused to the respondents, since the appeal is being contested by the legal heirs of the deceased appellant No.1 Pandhari Ramji.

2. Mrs.Kulkarni, learned Advocate for the respondents has opposed the application on the ground that the delay caused is aimed at delaying the appeal and causing hardship to the respondents. She, therefore, prays for rejection of the application. In the alternative, she submits that if the Court is inclined to allow this application, heavy costs be imposed on the applicants and the said

amount be donated with the Advocate Associations' Bar Library, High Court, Aurangabad.

3. I have considered the submissions of both the sides. Second Appeal No.721/2004 has been admitted by order dated 01/08/2005 and ground Nos. 3, 6 and 9 are treated as substantial questions of Law. The legal representatives of deceased appellant No.1 are contesting the appeal.

4. In this backdrop, the civil application is allowed. Delay of 317 days is condoned subject to the applicants depositing costs of Rs.3,000/- (Rs.Three thousand only) with the Advocate Associations' Bar Library, High Court, Aurangabad within a period of 6 (weeks) from today. After depositing the costs, the legal heirs of deceased appellant No.2 Ram Pandhari be brought on record.

5. In the event of non compliance of this order, the same shall stand recalled and the civil application shall stand rejected.

(RAVINDRA V. GHUGE, J.)