

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

925. CA/5226/2014 In RAST/14187/2014 WITH CA/4088/2015 In
FAST/1748/2015 WITH CA/4089/2015 In FAST/1748/2015 WITH
CA/4090/2015 In FAST/1748/2015 WITH CA/6624/2015 In
RAST/14187/2014 WITH CA/6623/2015 In RAST/14189/2014 WITH
CA/5262/2014 In RAST/14189/2014

DNYANDEO NIVRUTTI GONDKAR
V/S
SAMPAT NIVRUTTI GONDKAR AND ORS

Mr. S.S.Deshmukh, Advocate for applicant in CA 5226/14.

Mr. V.R. Dhorde, Advocate for respondent No.1 .

Mr. S.S. Kulkarni, Advocate for respondent No. 2A to 2E, 3A to 3F.

Mr. V.D. Sapkal, Advocate for applicant in CA No. 4088/15.

CORAM : T.V. NALAWADE, J.
DATED : 24th June, 2015.

ORDER :

1. Civil Application No. 5226/14 is filed for condonation of delay of 74 days caused in filing review application. Both the sides are heard.

2. The learned counsel for original plaintiff, respondents took this Court through the provisions of Order 47 Rule 5 of C.P.C. and submitted that in view of this provision and as the proceeding came to be filed after expiry of two months, the delay cannot be condoned. This Court has carefully gone through the provision of Order 47 Rule 5 of C.P.C. (Bombay Amendment). There is no such prohibitory provision in this rule.

The learned counsel for respondents also submitted that other ground that certified copy was not supplied cannot be considered as no certified copy is required. This Court holds that in the interest of justice, and in view of the contents of the application, application deserves to be allowed. In the result, Civil Application No. 5226/2014 is allowed. Delay is condoned.

3. Notice in review application. It is waived by the learned counsels appearing for respective respondents.

4. Other applications filed for condonation of delay by other party will be heard along with the review applications and both the applications will be disposed of on 3.7.2015.

5. Stand over to 3.7.2015 at 2.30 p.m.

[T.V. NALAWADE, J.]

ssc/