

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13997 OF 2013
IN SAST/15891/2013

SATWAJI JYANOJI WAGHMARE
VERSUS
SUSHILABAI SATWAJI WAGHMARE AND ANOTHER

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Advocate for Applicant : Shri Lomte Arun S.
Advocate for Respondents : Shri Tripathi Manish P.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 19, 2015

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PER COURT :-

1. The applicant prays for condonation of 893 days delay caused in lodging the Second Appeal. Reasons in support of the request are cited in paragraph Nos. 3 to 7 of the application.

2. The learned Advocate for the respondents has vehemently opposed the application. Affidavit in reply has been filed. It is indicated from paragraph Nos.2 to 4 that the non-applicants are the wife and son of the applicant respectively. The applicant is in employment with the BSNL. He is receiving his salary regularly and is also attending his duties regularly. The plea of illness or old-age is false and frivolous. It is, therefore, prayed that the application be rejected. It is alternatively prayed that if the application is allowed, heavy costs be imposed upon the applicant.

3. In the light of the above, I find that laches are not attributed to the conduct of the applicant. A pedantic approach need not be adopted, so as

to insist upon the applicant, to explain delay of each day caused in lodging the Second Appeal. These proceedings are vital to the litigating sides since it is the only remedy available.

4. Taking into account the circumstances as noted above, this Civil Application is allowed. Delay of 893 days is condoned, on the condition that the applicant shall deposit an amount of Rs.10,000/- in this Court within six weeks from today. After depositing the costs, the Second Appeal be registered and the non-applicants are at liberty to withdraw the said amount in equal proportions.

5. Needless to state, in the event of non-compliance, this order shall stand recalled and the Civil Application shall stand rejected.

(RAVINDRA V. GHUGE, J.)

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