

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.10327 OF 2005
IN
SECOND APPEAL STAMP NO.16203 OF 2005

SATISH RAMCHANDRA BABAR

APPLICANT

VERSUS

PADMASHREE DR.VITHALRAO VIKHE PATIL
FOUNDATION THROUGH VASANTRAO KAPARE
AND OTHERS

RESPONDENTS

Mr.S.R.Shirsath h/f Mr.S.S.Jadhavar, Advocate for the applicant.
Mr.Ajinkya Deshmukh h/f Mr.A.V.Hon, Advocate for respondent No.1.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 18/03/2015

PER COURT :

1. The applicant, by this application prays for condonation of delay of 91 days in lodging the second appeal. Learned Advocate for the applicant points out the reasons and circumstances in paragraph No.3 of the application and submits that the delay of 91 days deserves to be condoned. The second appeal is the only remedy available to the applicant and in the event the delay is not condoned, the doors of litigation would be closed on the applicant.

2. Mr.Hon, learned Sr.Advocate on behalf of the respondents, has opposed the application. It is submitted that prolonged litigation

between the parties has presumably attained finality since the applicant did not prefer a second appeal within limitation. It is, therefore, prayed that the civil application be rejected.

3. In the light of the above and for the reasons set out in the application, same is allowed. Delay of 91 days caused in lodging the second appeal is condoned subject to the applicant depositing costs of Rs.2,000/- (Rs.Two thousand only). Mr.Hon, learned Advocate graciously submits that the said amount be donated to the Advocates' Bar Library, High Court, Bench at Aurangabad.

4. As such, the applicant shall deposit the amount of costs of Rs.2,000/- (Rs. Two thousand only) with the Advocates' Bar Library, High Court, Bench at Aurangabad, within a period of 3 (three) weeks from today, failing which this order shall stand recalled and this civil application shall stand dismissed. On depositing the costs, second appeal be registered.

(RAVINDRA V. GHUGE, J.)