

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 6116 OF 2014
IN
SECOND APPEAL STAMP NO. 16066 OF 2014**

Venkat Pundlik Patil **APPLICANT**

V E R S U S

Shivraj Hanmantrao Patil & Ors. **RESPONDENTS**

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Mr. A.V.Indrale Patil, Advocate for Applicant.

Mr. E.S.Murge, Advocate for R.Nos. 1 & 2.

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CORAM : T.V.NALAWADE, J.

DATE : 13th OCTOBER, 2015

ORDER :-

1. The application is filed for condonation of delay of around 8 months in filing Second Appeal against the Judgment and order passed in R.C.A. No. 24/2007 which was pending in the court of District Judge – 1, Udgir. The Suit filed by the respondent for relief of declaration of ownership is decided in his favour and the first appellate court has dismissed the Appeal.

2. Learned counsel for the applicant made a statement that he is deleting respondent Nos. 5 and 6, as

they are formal respondents. He is allowed to do so on his own risk. So, the matter will proceed as against respondent Nos. 1 to 4.

3. Heard learned counsel for both sides.

4. Learned counsel for the respondents strongly opposed the application contending that no sufficient cause is shown. Nothing could have been achieved by not filing the proceeding in time, as both the courts below have decided against the applicant. He submitted that delay can be condoned subject to payment of costs to the plaintiffs.

5. In the result, present Civil Application is allowed. Delay of 8 months is condoned subject to condition of depositing ₹ 5,000/- [Rupees Five Thousand] by the present applicant in this court within four weeks from today. If the aforesaid amount is not deposited within four weeks from today, present Civil Application shall stand dismissed automatically without further reference to the court. If the amount is deposited, the matter will be processed. After deposit of the aforesaid amount, plaintiffs will be allowed to withdraw the same.

[T.V.NALAWADE, J.]