

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

**CIVIL APPLICATION NO. 10430 OF 2015
IN
SECOND APPEAL STAMP NO. 23064 OF 2015**

Kusum Laxman Garkar and others ...APPLICANTS

versus

Sonubai Laxman Garkar ...RESPONDENT

.....
Mr. R.S. Kasar, Advocate for applicants
Mr. V.S. Bedre, Advocate for respondent
.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 27th NOVEMBER 2015

Order :-

1. Heard learned counsel for the parties.
2. Learned counsel for the applicants has advanced various submissions, including the reasons as have been contained in paragraphs No. 5 and 6 of the application.
3. Learned counsel for respondents, however, purports to dispute the submissions advanced and reasons given in paragraph Nos. 6 and 7. He submits that submission advanced and the contents of the application will have to be considered in the back ground that notice of caveat had already been served on applicants concerned long-back. Under the circumstances, delay may not be condoned.
3. Looking at that there is no serious dispute about that applicant No. 1 is household lady and the fact that other applicants remain

engaged in agricultural operations and that their literacy level is not high and having regard to the quantum of delay is 260 days, pedantic approach deserves to be eschewed. Ordinarily such application does not require rigorous approach and needs to be approached liberally so as to have the contest on merits which is the hallmark of jurisprudence. Delay stands condoned subject, however, to costs of Rs. 1500/- to be paid to the respondent within a period of four weeks from today. Payment of costs is condition precedent.

4. Accordingly, civil application stands allowed in terms for prayer clause "A" and disposed of.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK