

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

922. CA/11659/2013 In SAST/25200/2013

NARMADABAI RAGHUNATH SHEDGE
V/S
BAPURAO SHESHRAO BHOSALE AND OTHERS

Mrs. M.L. Sangeet, Advocate for applicant.

Mr. S.A. Gaikwad, Advocate for respondent No. 3.

Mr. V.D. Deshmukh, Advocate for respondent Nos. 5A to 5D, 6 to 8.

CORAM : T.V. NALAWADE, J.
DATED : 1st September, 2015.

ORDER :

1. The application is filed for condonation of delay of 311 days caused in filing the second appeal. Heard both the sides.

2. The suit for partition is decreed against the present applicant and other defendants. As the applicant is in possession, this Court holds that delay can be condoned, but subject to payment of cost by the applicant to the original plaintiffs.

3. So, the application is allowed, subject to payment of cost of Rs. 1500/- by the applicant to the original plaintiffs. The cost amount is to be deposited in this Court before 9.10.2015. If the cost amount is not deposited as directed above, the proceeding shall stand dismissed automatically without back reference to the Court.

[T.V. NALAWADE, J.]

ssc/