

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CIVIL APPLICATION NO. 11585 OF 2014
IN
SECOND APPEAL (STAMP) NO. 25501 OF 2014

Tatyasaheb s/o Gangaram Gondge – died
through legal representatives

1-A. Radhabai w/o Tatyarao Gondge and ors. ...Applicants

Versus

Nanasaheb s/o Bajirao Kharat and others ...Respondents

Mr. Kshitij Surve, Advocate for applicants

Mr. Ramraje Kawade, Advocate h/f Mr. P. R. Katneshwarkar,
Advocate for respondents No. 1 to 3

CORAM : SUNIL P. DESHMUKH, J.
DATE : FEBRUARY 6, 2015

ORDER

1. Heard the parties.
2. There is delay of 488 days in approaching this court. The advocate himself has filed an application setting out reasons and the circumstances under which the delay has been caused and that it can hardly be imputed to the applicants-appellants.
3. The respondents, though have some reservations about the reasons put-forth, have not been able to dispute veracity of the contents of the application.

4. Taking into account that the delay is not attributable to the applicants/appellants, but to the lawyer, in the peculiar circumstances, delay appears to have been reasonably explained.

5. As such, application is allowed. Delay is condoned subject, however, to the payment of ₹ 2500/- towards costs to be paid to the respondents. Cost be paid within a period of two weeks from today.

6. Civil application stands disposed of. Appeal to proceed further.

SUNIL P. DESHMUKH, J.

pnd