

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.9240 OF 2013
IN
SECOND APPEAL STAMP NO.33724 OF 2012

CANTONMENT BOARD

APPLICANT

VERSUS

KISHOR JETHANAND MEHTANI

RESPONDENT

Mr.B.U.Hosamath h/f Mr.Alok Sharma, Advocate for the applicant.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 18/03/2015

PER COURT :

1. The applicant, by this application prays for condonation of 248 days delay in lodging the second appeal. Reasons for seeking condonation are set out in paragraph Nos. 2 and 3 of the application. Since the applicant is a Cantonment Board, matter was referred to the higher authorities so as to take a decision with regard to the judgment in the First Appeal dated 18/01/2012. It is submitted that the delay was neither deliberate nor intentional and laches are not attributed to the conduct of the applicant.

2. The respondent though served, has not preferred to enter an appearance either in person or through an Advocate.

3. For the reasons set out in the civil application and in the light of the submissions of Mr.Sharma, learned Advocate, this civil application is allowed. Delay of 248 days is condoned subject to costs of Rs.7,500/- to be paid to the High Court Advocates' Bar Library, Aurangabad within a period of 4 (four) weeks, failing which this order shall stand recalled and the civil application shall stand rejected.

4. Upon compliance of this order, the second appeal be registered.

(RAVINDRA V. GHUGE, J.)