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

CIVIL APPLICATION NO.524 OF 2014

IN

SECOND APPEAL (STAMP) NO.33712 OF 2013

Girjaji Asaram Muley and others.

..Applicants

-Versus-

Vithal Bhaurao Kale.

..Non-Applicant/ Respondent

.....

Mr.Vishal A. Bagal Patil, Advocate for the Applicants.

Mr.B.R.Sontakke Patil, Advocate for the Respondent.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 23rd March, 2015

Per Court:

1 Since Mr.Bagal, learned Advocate appears on behalf of the Applicants, Mr.Aniruddha S. Usmanpurkar, learned Advocate prays for discharge. Accordingly, the appearance of Mr.Aniruddha S. Usmanpurkar is discharged.

2 Leave to amend the prayer clause (B). Amendment be carried out forthwith.

3 Heard the learned Advocates appearing for the parties.

4 The Applicants by this application pray for condonation of delay of 285 days caused in lodging of the Second Appeal. The reasons in support of the application for condonation of delay are mentioned in

paragraphs 2, 3, 4 and 5.

5 Mr.Sontakke, learned Advocate for Respondent, opposes the application on the ground that the reasons cited do not support the prayer for condonation of delay.

6 Needless to state, this is the only remedy available to the Applicants in the form of filing a second appeal. The delay cannot be termed to be inordinate.

7 In the light of the above and for the reasons set out in the Civil Application, same is allowed. The delay of 285 days is condoned subject to the Applicants depositing costs of Rs.5000/- (Rupees Five Thousand) in this Court within a period of FOUR WEEKS from today.

8 Failure to deposit the said amount shall result in recalling of this order and the Civil Application shall then stand rejected.

9 After depositing costs, the Second Appeal be registered and further the Respondent is at liberty to withdraw the said amount.

(RAVINDRA V. GHUGE, J.)