

**FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 592 OF 2014  
IN  
SECOND APPEAL (ST) NO. 27078 OF 2013**

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|-----------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
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None for the applicant.

Mr. Nagesh Chavan for the respondent nos. 1 to 4, 7,9 to 12 and 16.

Later on

Mr. Ranjeet Patil for applicant.

**CORAM : K. K. TATED, J.**

**DATED : 14/09/2015.**

**PC.:**

. None for the applicant. Mr. Nagesh Chavan for respondents.

2 The learned counsel for the respondent nos. 1 to 4, 7,9 to 12 and 16 submits that applicant has not complied the earlier order dated 24.08.2015.

3 As no one appeared on behalf of the applicant, dismissed for default.

Later on,

4 Mr. Ranjeet Patil for the applicant mentioned the matter.

5 At the request of learned counsel for the applicant, the earlier order is recalled and the matter

is taken on record for the hearing.

6 Heard learned counsel for the applicant and the learned counsel for respondent nos. 1 to 4, 7,9 to 12 and 16.

7 Though, the other respondents are duly served, no one appeared on behalf of them when the matter called out.

8 This application is preferred by defendant nos. 1 and 2 for condonation of 108 days delay in filing Second Appeal.

9 The learned counsel for the respondent vehemently opposed the present Civil Application. He submits that applicant has not shown sufficient cause for condonation of delay. Hence, there is no substance in the present Civil Application and same to be dismissed with costs.

10 I heard both the sides at length.

11 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as the law laid down by the Apex Court in the matter of *N.Balkrishnan Vs. M. Krishnamurthy (1998) 7 SCC 123*, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, applicant to pay cost of Rs.2500/- to the contesting respondents or their advocate within four weeks from today.

12 Hence, the following order is passed:

a) Delay of 108 days in filing Second Appeal is condoned.

b) Applicant either to deposit sum of Rs.2500/- by way of cost in the Registry of this Court or to pay the contesting respondents or their Advocate within four weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

c) Civil application stands disposed off accordingly.

**(K.K.TATED, J.)**

**CERTIFICATE**

Certified to be true and correct copy of the  
original signed order.