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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.627 OF 2014
IN
SECOND APPEAL (STAMP) NO.30719 OF 2013

Vijay @ Vishal S. Bhilare	...Applicant
V/s.	
Govind B. Bachal & Ors.	...Respondents

Mr.V.S. Talkute for the Applicant.

Mr.Prabhanjan Gujjar for the Respondent Nos.1(A) to 1(E).

CORAM : R.D. DHANUKA, J.
DATE : 11TH DECEMBER, 2015.

P.C. :-

1. By this civil application, the applicant seeks condonation of one year and 166 days delay in filing the second appeal. No affidavit in reply has been filed, though served.
2. A perusal of the civil application indicates that the applicant was not aware of the disposal of the appeal filed by the applicant before the lower appellate Court. The applicant had approached the learned advocate in the month of July, 2012, who had advised to file an appeal. It is the case of the applicant that the applicant thereafter instructed the learned advocate to file an appeal and also signed the Vakalatnama and paid his fees. Learned advocate however, expired

in the month of October, 2012. The applicant could not get any information from the relatives of the learned advocate as to whether any second appeal was filed by the learned advocate or not. In this process, there was a delay of one year and 166 days in filing the second appeal.

3. Though the applicant has explained some delay which is not fully satisfactory, in my view, interest of justice would be met with if the applicant is directed to pay costs of Rs.5000/- as a condition precedent to Kirtikar Law Library within four weeks from today. Learned counsel for the applicant states that his client would donate a sum of Rs.5000/- to the Kirtikar Law Library within four weeks from today and shall produce a receipt thereof before the Registrar of this court. Statement is accepted.

4. The civil application is accordingly disposed of in terms of prayer clause (a) on the condition that the applicant donates the said amount of Rs.5000/- with the Kirtikar Law Library, as agreed within the time prescribed.

5. The civil application is accordingly disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)