

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.67 OF 2014
IN
CIVIL REVISION APPLICATION (STAMP) NO.2381 OF 2014

Shri Radheshyam Ramsahai Dhobi (Deceased)]	
Through his legal heirs]	
1a. Smt. Guddi Radheshyam Dhobi and Ors.]	... Applicants/ (Orig. Defendants)
Versus	
Shri Mithailal Ramdhani Gupta.]	... Respondent/ (Orig. Plaintiff)

Mr. Dhanesh R. Patkar h/f Mr. Sm M. Sabrad for Applicants.
 Mr. A. A. Garge h/f Mr. J. H. Oak for Respondent.

CORAM :- M. S. SONAK, J.
DATE :- JUNE 29, 2015

P. C. :-

1. This Civil Application seeks condonation of delay of 200 days in filing Civil Revision Application.

2. The reason set out for the delay is that there were settlement talks going between the parties and the Applicants reasonably expected a favourable response upon the proposal submitted by the Applicants.

3. The learned Counsel for Respondent opposes the motion by urging that there were no compromise talks and there is no sufficient cause shown for condonation of delay.

4. Looking to the circumstances of the case, it cannot be said that the Applicants have not been diligent in the matter. The cause shown can be regarded as probable, because, the Applicants have really not gained anything substantially in the meanwhile. Nevertheless, some prejudice is bound to occasion to the Respondent, which prejudice can be compensated in terms of costs. Accordingly, delay of 200 days in filing the Civil Revision Application is condoned subject to the Applicants paying costs of Rs.5,000/- (Rupees Five Thousand Only) to the Respondent. Such costs to be deposited within a period of two weeks from today. Upon deposit, the Respondent shall be at liberty to withdraw the same unconditionally.

5. The learned Counsel for Respondent makes a grievance that from the year 1998, the Respondent has not received any amount towards the occupation of the suit premises by the Applicants. In such circumstances, the learned Counsel for Respondents submits that the amounts deposited in this Court, in pursuance or order dated 04/02/2014 and thereafter be permitted to be withdrawn., It is not possible to accede to such request in the present application. However, the Respondent is at liberty to make an application seeking withdrawal of the said amount. Such application, if made, will be considered on its own merits.

6. Civil Application is made absolute in terms of prayer clause (a), subject to deposit of costs of Rs.5,000/- (Rupees Five Thousand Only) within a period of two weeks from today.

(M. S. SONAK, J.)