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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1845 OF 2015
IN
SECOND APPEAL NO.1261 OF 2015

Vasant D. Patil	...Applicant
V/s.	
Arjun J. Patil & Ors.	...Respondents

Ms.Krupali Rajani for the Applicant.

Ms.Sharan D'Souza i/b Global Juris Consultants for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 4TH DECEMBER, 2015.

P.C. :-

1. By this civil application, the applicant seeks recall of the order dated 13th January, 2006 and seeks condonation of delay of 9 years and 174 days in filing this civil application.
2. On 13th January, 2006 more than 100 matters were placed on board and a conditional order was passed by this Court for removal of office objections within the time prescribed and in case of failure all the matters listed on board to stand dismissed.
3. Learned counsel for the applicant invited my attention to the reasons recorded in the civil application and submits that the applicant was not informed about the dismissal of the appeal by the

learned advocate. The applicant came to know only when the notice from the District Judge, Palghar with the Darkhast proceedings came to be served upon the applicant some time in the year 2014. The applicant thereafter contacted his earlier advocate and made inquiries of second appeal filed by the respondents. The learned advocate was not available for some time. The applicant is a resident of Palghar and senior citizen. The applicant is more than 80 years old as on today and was not in a position to travel from Palghar to Mumbai and depend totally on the advocate.

4. Though the applicant has rendered some reasons for not filing this civil application for a period of more than 9 years, in my view the interest of justice would be met with if the applicant is directed to pay costs of Rs.25,000/- to the respondents within three weeks from today.

5. In the circumstances, I pass the following order :-

a). The civil application is made absolute in terms of prayer clauses (a) and (b) on the condition that the applicant pays the costs of Rs.25,000/- within three weeks from today and produce a copy of the receipt before the Registrar of this Court. It is made clear that if the costs of Rs.25,000/- is not paid within three weeks from today, the order allowing condonation of delay and restoration of the second appeal to stand vacated without further reference to the Court.

b). If the costs of Rs.25,000/- is paid and the receipt is produced before the learned Registrar, place the second appeal on board for admission on 14th January, 2016.

(R.D. DHANUKA, J.)