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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4547 OF 2016
IN
SECOND APPEAL STAMP NO.5857 OF 2016

Shaikh Isak Shaikh Abdulla

APPLICANT

VERSUS

Shaikh Ismail Shaik Abdulla

RESPONDENT

.....

Mr. Javed Abdul H. Deshmukh, Advocate for the applicant

Mr. S. H. Panchal h/f Mr. V. B. Garud, Advocate for respondent

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 25th NOVEMBER, 2016

ORDER :

1. Heard learned advocates for the parties.
2. Mr. Deshmukh, learned advocate appearing for the applicant submits that due to unavoidable and undisclosable reasons the delay in fact has been caused coupled with the fact that the applicant is an old person and has been facing quite a lot of family problems.
3. Learned advocate for the respondent contends that the reasons given under the application may not be the reasons which can be said to be sufficient cause to condone the delay. He

submits that the respondent also is an age old person and in the circumstances inconvenience would be caused to him.

4. It would be worthwhile to note that the applicant appears to be 60 years of age and further that by causing deliberate delay he would hardly be able to said to have derived any benefit. In the circumstances it would be expedient, as is normally desirable, to have contest on merits. The inconvenience caused to the respondent in the process due to delay would be taken care of by awarding costs.

5. In view of aforesaid, civil application stands granted in terms of prayer clause "B" subject to payment of costs of Rs.1000/- to be deposited in this court within a period of four weeks from today.

6. Civil application stands disposed of.

[SUNIL P. DESHMUKH, J.]