

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 8383 OF 2015
IN SAST/14032/2015**

**SARANGDHAR BALAJI DAHIHANDE
VERSUS
KUSUMBAI BABURAO NAVPUTE AND OTHERS**

Advocate for Applicants : Deshpande Siddharth R.
Advocate for Respondents : Kasliwal Ajit D for R.1 to 4.
...**

CORAM : SUNIL P. DESHMUKH,J.

DATED : 29TH JANUARY,2016

PER COURT :-

Heard learned counsel for the parties. The learned counsel Shri Deshpande refers to various reasons in the application on account of which delay has been caused. In the first instance, the judgment appears to have been delivered in October, 2013. Time had been consumed for the treatment of eyes of applicant, thereafter, circumstances had gone out of his control. In these circumstances, delay has occurred. It is further submitted that the same is not intentional nor deliberate and the applicant is not benefited in causing delay. The learned counsel further refers that there is yet another Second Appeal filed by respondents which is pending in this Court against the same judgment and order of the appellate Court.

He therefore, submits that no prejudice will be caused to other side if the delay is condoned.

2] Mr.Kasliwal, learned counsel appearing for respondents submits that it cannot be said that the delay has been properly explained particularly having regard to the ailments which have been referred. According to him, the same cannot be said to be an impediment in movement of the applicant. He however, is not in a position to challenge the veracity of the contents of the application and about the ailments having been treated by medical practitioner. In view of the same, I deem it appropriate to condone the delay as no inconvenience is said to have been caused to the other side, having regard that there is another Second Appeal. In the circumstances, it would be appropriate to condone the delay subject to payment of costs of Rs.5000/-, which shall be the condition precedent. Accordingly, Civil Application is allowed in terms of prayer clause "B" subject to payment of costs of Rs.5000/-. The costs be deposited in this Court within six weeks. Upon deposit of costs, respondents would be at liberty to withdraw the same. Delay is condoned. Civil Application accordingly stands disposed of.

(SUNIL P. DESHMUKH,J.)

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