

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.16 OF 2010
IN
SECOND APPEAL NO.558 OF 2015
WITH

CIVIL APPLICATION NO.17 OF 2010
IN
SECOND APPEAL NO.559 OF 2015

Chotulal Guruprasad Dube and Others

APPLICANTS

VERSUS

Subhash Pandharinath Wakade & others

RESPONDENTS

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Mr. Mukul S. Kulkarni, Advocate for the applicants

Mr. S. V. Jadhav-Patil, Advocate for respondents No.1 and 4

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 18th JANUARY, 2016

ORDER :

1. It appears that there is delay of 203 and 192 days respectively in filing present second appeals. Applications for condonation of delay in both the second appeals have been filed and the same are pending.

2. Learned advocate for the applicants points out paragraph No.6 of the applications and refers to that on account of the reasons under the same, delay has been caused.

3. Learned advocate for the respondents resists and opposes the reasons given in paragraph No.6. It is further being submitted that those can hardly be said to be reasons which would be sufficient for condonation of delay.

4. The applicants appear to be agriculturists and applicant No.3 is an old lady. Their rights to immovable property are involved. Contents of paragraph No.6, to a considerable extent depict that the applicants are not conversant with legal procedure and as such, had been making applications for certified copies of judgments and memos of appeals one after the other.

5. Having regard to overall situation and that generally the litigant would not stand to gain any benefit by causing intentional or deliberate delay, this appears to be a case where indulgence is called for in favour of the applicants, subject of course to payment of reasonable costs to the other side.

6. As such, the civil applications are allowed. Delay stands condoned. Having regard to that primary occupation of the applicants appears to be agriculture, costs of Rs.2500/- in each appeal are imposed. The costs be deposited in this court within a

period of four weeks from today.

7. Upon deposit of costs, the second appeals be posted for hearing pursuant to order dated 20th October, 2015.

[SUNIL P. DESHMUKH, J.]

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