

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

CIVIL APPLICATION NO. 9871 OF 2015
IN SAST/23558/2015

GRAMVIKAS OFFICER/GRAMSEVAK RAMDAS GOVIND DALAVI
VERSUS
BABASAHEB TUKARAM SHINDE AND ANR

Advocate for Applicant : Sonwane Mahesh R.
AGP for Respondents: Mr.D.V.Tele
Advocate for Respondents : Mr.L.B.Palod for R.1.

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CORAM : SUNIL P. DESHMUKH,J.

DATED : 29TH JANUARY,2016

PER COURT :-

Heard learned counsel for the parties. The learned counsel for the applicant refers to reasons as appearing in paragraph no.3 of the application and submits that it is on account of the said reasons delay has occurred. The delay has not given any benefit to the Gram Panchayat. He submits that the delay is not intentional nor deliberate.

2] Mr.Pallod, learned counsel however, submits that it cannot be said that the applicant had no knowledge as applicant was party to the dispute and that the matter was allowed to go exparte. In these

circumstances, the reasons as are appearing can not be accepted. However, he is not in a position to dispute veracity of the contents as are appearing in the said paragraph. In these circumstances, having regard to the position of law that not to approach pedantically in delay condonation matters, it would be appropriate that inconvenience if any caused to the respondent can be compensated by awarding costs.

3] In view of the above, Civil Application is allowed in terms of prayer clause B and is disposed of on condition that the applicant shall deposit costs of Rs.2,500/- in this Court within six weeks from today, that should be a condition precedent for further proceeding with the Second Appeal. In case the amount is so deposited, respondents are at liberty to withdraw the same.

(SUNIL P. DESHMUKH,J.)

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