

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

**CIVIL APPLICATION NO. 12970 OF 2015
IN
SECOND APPEAL STAMP NO. 28303 OF 2015**

Vitthal Maroti Pund

...APPLICANT

versus

Gangaram Narayan Pund and others

...RESPONDENTS

.....
Mr. A. A. Khan, Advocate for applicant
Mr. S.V. Salunke, Advocate holding for Mr. V.D. Salunke, Advocate for
respondents No. 1 to 3
.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 26th FEBRUARY, 2016.

Order :-

1. Heard learned counsel for the parties.
2. Having regard to that mother of the applicant had been ailing from 22-02-2014 which continued for quite some time, delay appears to have been caused in preferring second appeal against judgment and decree dated 11-09-2014 in regular civil appeal No. 20 of 2008 passed by District Judge-1, Hingoli. It further appears, aliment continued for quite some time and even after impugned order had been passed. In the circumstances, applicants had been to the court within reasonable period and filed the second appeal.
3. Respondents, although have not seriously disputed the reasons, yet feel that some costs be awarded. Having regard to aforesaid, it

would be expedient to grant the application. The request for costs under the circumstances is difficult to be acceded to.

4. Accordingly, civil application is allowed in terms of prayer clause "B" and stands disposed of.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK