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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4075 OF 2015
IN
SECOND APPEAL STAMP NO.34452 OF 2014

Kundlik Narayan Waghmare

APPLICANT

VERSUS

Shobha Chandrakant Hawale and Others

RESPONDENTS

.....

Mr. Vilas P. Sawant, Advocate for the applicant

Mr. B. A. Dhengle, Advocate for respondents No.1 to 4

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 23rd SEPTEMBER, 2016

ORDER :

1. Heard learned advocates for the parties.
2. Learned advocate for the applicant states that the reasons given under the civil application are not disputed by the other side by filing any reply. The explanation given in the application for condonation of delay is sincere and genuine. He submits that in any case, the decree hits him hard and in the circumstances, he would not have been benefited from causing delay. He further submits that in the matters where immovable property is at

stake, a person may not cause delay intentionally or deliberately. He, therefore, urges for indulgence.

3. Mr. Dhengale, learned advocate for the respondents, however, submits that there is no credible material placed on record with regard to contentions in the civil application. He submits that both the courts have decreed the suit of the plaintiffs – respondents. In the absence of any material being placed on record, no indulgence is required to be given and as such, urges to reject the application. He submits that indulgence, if any, would cause inconvenience to the respondents, who are decree holders.

4. Having heard learned advocates for the parties and particularly keeping in mind the guidelines as are appearing in the decision of the Supreme Court in the case of “*Collector, Land Acquisition Anantnag V/s Katiji*” reported in 1987 AIR (SC) 1353 I deem it expedient that the delay deserves to be condoned, subject, of course, by compensating the decree holders by payment of costs. The costs are quantified at Rs.5000/-, which are to be deposited in this court within a period of four weeks from today. In case of failure to pay costs, the application will be deemed to have been rejected without further reference to the court. Costs,

if deposited, are allowed to be withdrawn by the respondents.

5. Civil application as such, allowed in aforesaid terms and stands disposed of.

[SUNIL P. DESHMUKH, J.]

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