

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

*CIVIL APPLICATION NO.271 OF 2016
IN
SECOND APPEAL (STAMP) NO.321 OF 2016*

Ashok A. Chawan & Ors. ... Applicants.

V/s.

Balu B. Pawar ... Respondent.

Mr. Chetan Patil, Advocate for the Applicants.
Mr. Mahendra Agavekar i/by Mandar Limaye, Advocates
for the Respondent.

***CORAM : N.M. Jamdar, J.
Friday 17 June, 2016.***

P.C. :-

Delay in filing the appeal is of one year and 3 days. Reason stated in the application is that there were some settlement talks and thereafter there was change of advocate and, therefore, there was delay. Reply is being filed by the Respondent where this position has been denied. Considering the facts and circumstances of the case, I am of the opinion that equities can be balanced by condoning the delay and putting the appellants to

condition. Accordingly, civil application is allowed in terms of prayer made in paragraph 10.

2 The learned District Judge has held against the applicants that the applicants have encroached upon the property of the Respondent. In case, this Court finds that no case is made out by the applicants and the appeal is dismissed, Court may consider imposing suitable monthly compensation for the period of delay upon the applicants.

3 Place the Second Appeal on board on 4.7.2016. All office objections to be removed before the next date. Registry to place a copy of this order in the second appeal compilation.

4 Ad-interim order to continue till the next date

(N.M. Jamdar, J.)