

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1017 OF 2016
IN
SECOND APPEAL (STAMP) NO.17394 OF 2016

Najir F. Shaikh	...Applicant
V/s.	
Ramchandra S. Sankpal	...Respondent

Mr.V.S. Kapse i/b Mr.Pramod Kathane for the Applicant.

Mr.V.Y. Sangvikar i/b Mr.W.N. Samlewale for the Respondent No.1.

Mr.Prashant Jadhav for the Respondent No.2.

CORAM : R.D. DHANUKA, J.
DATE : 26TH AUGUST, 2016.

P.C. :-

1. By this civil application the applicant seeks condonation of delay of 38 days in filing the second appeal. No affidavit in reply has been filed.
2. I have perused the civil application and have heard the learned counsel for the parties. The applicant has sufficiently explained the delay of 38 days in filing the second appeal. For the reasons recorded in th civil application, the delay of 38 days in filing the second appeal is condoned.
3. At this stage, the learned counsel for the respondent no.1

prays for an order and direction to withdraw the amount of Rs.2.00 lacs deposited by the applicant pursuant to an order dated 1st July, 2016, passed by N.M. Jamdar, J., in the trial Court as the condition precedent for grant of stay of execution proceedings. Mr.Kapse, learned counsel for the applicant on instructions states that he has no objection if the amount of Rs.2.00 lacs is allowed to be withdrawn by the respondent no.1. The statement is accepted.

4. The respondent no.1 is permitted to withdraw the amount of Rs.2.00 lacs deposited by the applicant before the trial Court unconditionally.

5. The parties as well as the learned trial Judge to act on the authenticated copy of this order.

6. The applicant is directed to remove the office objections, if any, within two weeks from today. If the office objections are removed by the applicant within the time stipulated above, place the second appeal on board for admission on 3rd October, 2016.

7. In view of the deposit made by the applicant, ad-interim stay granted by this Court to continue until further orders.

(R.D. DHANUKA, J.)