

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

***CIVIL APPLICATION NO.28 OF 2015
IN
SECOND APPEAL (STAMP) NO.24023 OF 2014***

Sou.Yesabai Dhodiram (since deceased)
through her legal heirs & Ors. .. Applicants
Vs.
Dhondiram Vithu Waingade & Ors. .. Respondents

Mr.S.M.Kamble for applicants.
Mr.Bhavesh V. Magam for respondent no.1.
Mr.Abhijit V.Desai for respondent no.2.

***CORAM : R.D. DHANUKA, J.
DATE : 23rd September 2016***

P.C.

. By this civil application, the applicants seek condonation of delay of 3 years and 154 days in filing second appeal.

2. I have heard the learned counsel for the applicants and the contesting respondent i.e. respondent no.2. Though the applicants have given some reasons for justifying the delay, the reasons are not fully satisfactory. Interest of justice would be met with if the delay is condoned on payment of costs of Rs.10,000/- as condition precedent to the respondent no.2.

3. Civil application is made absolute in terms of prayer clause (a) on the condition that the applicants pay cost of Rs.10,000/- to the respondent no.2 within three weeks from today. If the cost is paid and all

other office objections are removed, the applicants are permitted to apply for circulation of the second appeal.

R.D. DHANUKA, J.