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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.1672 OF 2015
IN
SECOND APPEAL STAMP NO.385 OF 2015

Kadu Sattu Janjale and Others

APPLICANTS

VERSUS

Nathu Ishram Patil and Others

RESPONDENTS

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Mr. D. A. Madke, Advocate for the applicants

Mr. P. D. Dadpe h/f Mr. P. R. Katneshwarkar, Adv for respondents

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 17th MARCH, 2017

ORDER :

1. Heard learned advocates for the parties.
2. Learned advocate for the applicants submits that after decision had been rendered in Regular Civil Appeal in 2014, main person - applicant No.2 had been lying indisposed and could not contact advocate within time. After her illness had been over, she had contacted her advocate and thereafter application for certified copy had been made and subsequently those were received. It is further being referred to that the applicants are slum dwellers and their economic condition is precarious. In these circumstances, the delay has occurred and the same is neither intentional nor deliberate nor any benefit is derived from

causing delay.

3. Learned advocate appearing for the respondents submits that it is not a case that the applicants were not aware of the decision by the appellate court and yet delay in making approach to the advocate is stated to be caused by illness of only applicant No.2, whereas there appear to be several applicants. In the circumstances, he submits that no indulgence be given to the reasons being put forth for condonation of delay.

4. Although it is being so submitted, it does not appear that there is any dispute about applicant No.2 Subhadrabai had been prosecuting the matter and she had been lying indisposed. In the circumstances, taking into account the guidelines of the Supreme Court in the case of “*Collector, Land Acquisition, Anantnag Vs. Ms. Katiji and ors.* reported in *A.I.R. 1987 S.C. 1353* it would be expedient to condone the delay, subject to payment of costs.

5. As such, civil application is allowed in terms of prayer clause “B” on the condition of payment of costs of Rs.500/-. Costs be deposited in this court within a period of four weeks from today. Civil application stands disposed of.

[SUNIL P. DESHMUKH, J.]