

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7519 OF 2012
IN SAST/8078/2009

JALBA GANGARAM
VERSUS
HANMANTU JALBA AND ORS

...

Advocate for Applicant : Amol Gandhi
AGP for Respondent no.2 : Smt. S.V. Salunke
h/f Mr. V D Salunke
Advocate for Respondents 3 and 4 : Mr. S.V. Chandole

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CORAM : SUNIL P. DESHMUKH, J.
DATE : 27/01/2017

ORDER :

1. Learned counsel for the applicant submits that the second appeal is almost in the nature of appeal referable to order XLI rule 22, being preferred after notice was issued on second appeal filed by the other side having been admitted.

2. In view of aforesaid largely undisputed position and since there is already second appeal pending for final hearing before this court and appeal has been moved soon after the notice of the second appeal had been received by the applicant, it appears to be expedient to allow the application, subject to payment of costs of Rs.10,000/- (Rs. Ten Thousand only) to the plaintiffs / respondents herein.

3. As such, the delay stands condoned subject to payment of costs of Rs.10,000/- to the plaintiffs / respondents herein, within a period of six (6) weeks from today.

4. Learned counsel for the applicant graciously submits that copy of receipt of payment to the plaintiffs / respondents herein, would be submitted in the office.

5. Civil Application stands disposed of.

[SUNIL P. DESHMUKH]
JUDGE

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