

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9868 OF 2016
IN SAST/20431/2016

YAKUB KADARBHAI PATHAN DIED ROSHANBI AND ORS
VERSUS
NASIR KADAR PATHAN DIED KULSUM AND ORS

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Advocate for Applicants : Ambetkar Arvind G
Advocate for Respondents : Mr. Nangare Prashant R.

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

ORDER :

1. Heard learned counsel for the parties. There is delay of about 1740 days accounted for being due to lack of knowledge of the judgment and decree passed against appellants, lack of communication by the Advocate and the appellants. It further appears that while the matter had been earlier before this court for stay, the court had directed the applicants to deposit a sum of Rs.40,000/-, which amount is said to have been deposited.

2. Though there is opposition for consideration of the application, yet the other side is not in a position to dispute the veracity of the reason given by the applicants for condonation of delay.

3. In the circumstances, it would be expedient to grant application subject to payment of costs for the inconvenience caused

to the other side in the process. As such, civil application is granted in terms of prayer clause (B) on the condition that amount of Rs.25,000/- (Rs. Twenty Five Thousand only) from the amount deposited in this court, be paid towards costs, as referred to above.

4. Amount of Rs.25,000/-, as such would be allowed to be withdrawn by the original plaintiffs towards costs.

5. Civil Application accordingly stands disposed of.

6. Interim relief on stay application (CA/9869/2016) to continue.

7. Matter to appear in admission category on 21st February, 2017.

[SUNIL P. DESHMUKH]
JUDGE

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