

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.10556 OF 2017
(Shantabai Pundlik Kalaskar Vs. Pralhad Chango Lavande and
others)

IN
SECOND APPEAL NO.1 OF 2012

Mr.V.S.Deshmukh h/f Mr.A.B.Kale, Advocate for the applicant.
Mr.R.C.Patil, Advocate for respondent No.1.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 18/08/2017

PER COURT :

1. The applicant/original appellant prays for condonation of delay of 295 days and for restoring the second appeal alongwith its civil application to its original stage.

2. Learned Advocate for the non-applicants has vehemently opposed the application contending that the appellant was deliberately remaining absent since ad-interim relief has been granted to her. Intention is to prolong the matter and continue the ad-interim relief.

3. In the alternative, learned Advocate for the respondents prays

that heavy costs be imposed if the matter is to be restored.

4. I find from the order dated 05/01/2012 that ad-interim relief in terms of prayer clause "B" has been granted by this Court on CA No.8/2012.

5. Considering the above and the fact that the delay of 295 days cannot be said to be inordinate, this application is allowed. The delay of 295 days is condoned by imposing costs of Rs.5,000/- which the applicant shall deposit in this Court within 3 (three) weeks from today, failing which this application would stand rejected. After the amount is deposited, the original plaintiffs would be at liberty to withdraw the amount without conditions.

6. After the amount is deposited, the order dated 29/08/2016 shall stand recalled and the Second Appeal No.1/2012 and CA No.8/2012 shall be restored to the stage at which they were dismissed. Ad-interim relief granted in terms of prayer clause 'B' in CA No.8/2012 would stand continued.

(Ravindra V.Ghuge, J.)