

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 414 OF 2017
IN SAST/32138/2016
WITH
CIVIL APPLICATION NO.729 OF 2017
IN SAST/32138/2016

SHESHRAO S/O DEVBARAO WAIKULE AND OTHERS
VERSUS
BALWANTRAO S/O DEVBARAO WAIKULE AND OTHERS

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Advocate for Applicants : Shri Pahilwan Gautam J.
Advocate for Respondent 1 : Shri Y.N.More.
Advocate for Respondents 2 and 3 : Shri R.R.Shaikh.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 11th August, 2017

Per Court:

Civil Application No.414/2017

1 The Applicants pray for condonation of delay of 215 days in filing the Second Appeal.

2 The learned Advocates for the Non Applicants oppose the application and submit that it should be rejected. In the alternative, they submit that the costs may be awarded.

3 This Court has directed the Applicants to deposit the paper books of both civil suits. Learned Advocate for the Applicants prays for time as one more last chance.

4 Considering the above, this Civil Application is allowed. Delay of 215 days is condoned on the condition that the Applicants shall pay an amount of Rs.1000/- (Rupees One Thousand) to each Respondents either directly or by depositing the amount in this Court within TWO WEEKS from today. The paper books as directed shall be deposited within TWO WEEKS from today.

Second Appeal (stamp) No.32138/2016 with CA
No.729/2017.

5 I find that real brothers and sons of real brothers are litigating in this matter. It would be appropriate to refer this matter to the mediator hoping for settlement amongst the parties.

6 Learned Advocates for the respective sides suggest the name of Advocate Shri S.K.Kadam as a mediator.

7 Office to place this matter before the learned Mediator and the litigating sides be informed accordingly.

8 Needless to state, after the learned Mediator files his report, the litigating sides would circulate this matter.

9 Until then, the proceedings in Regular Darkhast No.6/2016 may be adjourned by the Executing Court.