

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1224 OF 2016
IN
SECOND APPEAL (STAMP) NO. 4785 OF 2016**

AND

**CIVIL APPLICATION NO.1226 OF 2016
IN
SECOND APPEAL (STAMP) NO. 2601 OF 2016**

AND

**CIVIL APPLICATION NO.1228 OF 2016
IN
SECOND APPEAL (STAMP) NO. 3547 OF 2016**

Sahebrao Shivram Shinde

...Applicant

vs.

Shankarlal Motilal Mutha

...Respondent

Ms.Sunita R. Gaidhani for Applicant.

Mr.Ramesh Cheulkar with Ms.Reshma Mutha for Respondent.

CORAM : S.C. GUPTE, J.

18 JANUARY 2017

P.C. :

These civil applications are for condonation of delay of 213, 210 and 219 days in filing the present second appeals. The reasons for delay are stated in paragraphs 4, 6, 8 and 9 of the civil applications.

2 The long and short of the submissions is that the Applicant has been keeping indifferent health and has undergone surgeries and has been under medication. Some medical report is produced along with the civil

applications. It is pointed out by learned Counsel for the Respondent that the medical record pertains to the years 2008 and 2012 whereas the impugned judgment and order from the present second appeal was passed on 30 March 2015.

3 Learned Counsel for the Appellant submits that the medical record is shown only from the point of view of showing that the Applicant has been keeping indifferent health since a long time.

4 Be that as it may, interests of justice will be duly served if these delays are condoned on payment of some compensation to the Respondent. The applications for condonation of delay are accordingly allowed in terms of prayer clause (a) subject to the Applicant paying to the Respondent aggregate costs quantified at Rs.15,000/- in all. The costs shall be condition precedent.

5 The applications are disposed of accordingly.

6 The second appeals to come up for admission along with the civil applications for interim reliefs on 2 February 2017. The interim reliefs operating in the matters till today shall continue to operate till the next date.

(S.C. Gupte, J.)