

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1581 OF 2016
IN
SECOND APPEAL (ST) NO.11204 OF 2016

Bhagwat Khandu Navgire ...Applicant

Versus

Suresh Ramchandra Deshmukh ...Respondent

Mr. Veerdhaval Kakade for the Applicant.

Mr. N. D. Batul for the Respondent No.1.

CORAM : A. A. SAYED, J.

DATE : 3 NOVEMBER, 2017

P. C.:

1. This is a Civil Application for condonation of delay of 1 year and 96 days in filing the Second Appeal. In the Civil Application it is pointed out that the Advocate for the Applicant did not remain present for arguments in the final hearing of the Appeal and did not inform the Applicant and the Applicant was unaware of the status of the case.

2. The learned counsel has pointed paragraph 6 of the

impugned order of the Appellate Court, wherein it is recorded that the Advocate for the Applicant had remained absent when the matter was called out repeatedly. It is further pointed out that the Applicant was financially burdened and needed some time to collect funds for filing of the Second Appeal.

3. Reply has been filed on behalf of the Respondents opposing the Civil Application. He has denied the contentions in the Civil Application and pointed out that the Applicant was very well aware of the pendency of the Appeal and the Applicant was negligent. It is further pointed out that the Applicant could have very well sought assistance from Legal Aid.

4. Having regard the facts and circumstances of the case, in my view sufficient cause is made out to condone the delay, subject however to costs. Hence, the following order:

ORDER

- a. The Civil Application is allowed in terms of prayer Clause (a) subject to the cost of Rs.2000/- to be paid by the Applicant to the Respondent within a period of three weeks.

5. List the Second Appeal for admission after numbering on 4th December 2017.

[A. A. SAYED, J.]