

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 7 OF 2016
IN
SECOND APPEAL (STAMP) NO.18292 OF 2015
WITH
CIVIL APPLICATION NO. 8 OF 2016
IN
SECOND APPEAL (STAMP) NO.18292 OF 2015**

Shri. Ashok Laxman Jadhav And Ors. ...Applicants
(Original Defendants)

vs.

Smt. Droupadabai Bhiku Jadhav ...Respondent
(Original Plaintiff)

Shri S.T. Bhosale, i/b. Dilip Bodake, for the Applicants.

Shri Prabhanjan Gujar, for the Respondent.

CORAM : S.C. GUPTE, J.
DATED : 4 JANUARY 2017

P.C. :

Heard learned Counsel for the parties. This Civil Application seeks condonation of delay of two years and 31 days in filing the present Second Appeal. It is the case of the Applicants (Original Defendants) that after the appeal was disposed of by first Court on 18 April 2015, they immediately applied for certified copies and after the certified copies were made available, there was a proposal from the Respondent (Original Plaintiff) through her relatives/villagers, who are named in Civil Application, for resolving the controversy amicably. It is the Applicants' case that, thereafter, there were mediation meetings between the parties through the months of August 2013 to April 2015. It is submitted that through these negotiations a compromise deed was to be

prepared and executed between the parties. The Applicants even purchased non-judicial stamp papers to prepare the compromise deed. It is submitted that whilst the Applicants were preparing for compromise deed, they received a notice of measurement and filed the Second Appeal immediately thereafter. The Applicants have annexed affidavits of the Mediators, who have testified to these facts.

2. Learned Counsel for the Respondent (Original Plaintiff) opposes this application. He submits that there were no negotiation talks or mediation meetings in the disputes as mentioned in the statements made by the alleged Mediators in their affidavits.

3. From the respective affidavits filed by the parties it is a fair conclusion to draw that there were some settlement talks between the parties, though the exact nature of these talks and steps taken by the parties in pursuance thereof may be a matter of dispute.

4. In the premises, this Court is of the view that interest of justice will be adequately served if the delay is condoned subject to the Applicants depositing costs of Rs.25,000/-.

5. The delay is, accordingly, condoned on the condition of the Applicants paying the costs of this application quantified at Rs.25,000/- to the Respondent. Payment of costs to be a condition precedent.

6. The Civil Application is disposed of accordingly.

(S.C. GUPTE, J.)