

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 121 OF 2017
IN
SECOND APPEAL (ST) NO. 23927 OF 2016

Shri. Vasantrao Baburao ManeApplicant

V/s.

1. Shri. Shivaji Sopan Gaikwad & Ors.Respondents

Mr. Rahul Vijaymane i/by. Mr. S.A. Rajeshirke, Advocate for the
Applicant.

Mr. Niketan Nakhawa, Advocate for Respondents no.1, 4 and 5.

Coram :- N.M. Jamdar, J.

Date :- 5 May, 2017.

P.C. :-

. Heard Learned Counsel for the parties.

2. Perused the Application. The delay in filing the Appeal is of 88 days. The Learned Counsel for the Respondents, points out that, even after affirming the Application, there is a further delay. This objection is correct. There is no explanation for this delay.

However, the delay between affirmation and filing is not gross and the equities can be balanced by imposition of suitable costs. Accordingly, the Civil Application is allowed in terms of prayer clause (b), on condition that the Applicant pays costs of Rs.1,000/- to the Respondents within a period of 4 weeks from today.

3. Place the Second Appeal on board as per its CMIS date.

(N.M. Jamdar, J)