

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.6734 OF 2015
(Vishwas Dhana Bhil and others Vs. Bhika Bhagwan Desale)
In
SECOND APPEAL STAMP NO.4316 OF 2015

Mr.M.L.Wankhede h/f Mr.N.L.Choudhari, Advocate for the applicants.
Mr.M.S.Kulkarni, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 18/01/2018

PER COURT :

1. By this application, the applicants pray for condonation of delay of 971 days in filing the second appeal. This matter was heard on 28/09/2017 and notice was issued to the respondent.

2. The respondent has filed a reply opposing the application on the ground that the applicants were represented by an Advocate and they cannot contend that they are unaware of the decision of the First Appellate Court. The dispute is with regard to the property. The respondent had sought construction permission from the Gram Panchayat and the present applicants started obstructing the defendants. It is in this backdrop that the defendants have succeeded in the Courts below. The explanation for the delay caused is not satisfactory.

3. Considering the submissions of the learned Advocates for the respective sides and for the reasons set out in the application, since I do not find that the delay of 971 days can be termed as being deliberate or inordinate, this application is allowed. The delay caused is condoned subject to the applicants depositing costs of Rs.5,000/-. Learned Advocate for the non-applicant submits that the costs could be donated to the Advocate's Association of the Bombay High Court, Bench at Aurangabad.

4. As such, the applicants shall deposit the costs of Rs.5,000/- with Advocate's Association of the Bombay High Court, Bench at Aurangabad on or before 09/02/2018. Thereafter, subject to removal of all office objections within 2 weeks, the second appeal shall be registered.

(RAVINDRA V. GHUGE, J.)