

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.3136 OF 2016

**914 CIVIL APPLICATION NO. 3136 OF 2016
IN SA/75/2012**

RAJENDRA MOTIRAM SONAWANE AND ORS
VERSUS
ANANDA HARI SONAWANI, DIED THR. L.RS. SHANTABAI ANANDA
AND ORS

...
Advocate for Applicants : Mr.Mohit S.Shah & A.R.Syed h/f
Mr.Brahme Shailesh P.
Mr.Manish V.Bhamre, Adv. for respondent nos. 1A,1C, 1D, 1F/1 to
1F/7

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CORAM : P.R. BORA, J.
Dated: June 08, 2018

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PER COURT :-

1. Learned Counsel for the respondents tendered across the Bar affidavit in reply on behalf of respondent nos.1A, 1B and others. The same is taken on record.

2. Learned Counsel for the applicant submitted that merely because of inadvertence, the order passed by this Court, directing the present applicant to submit private paper book remained to be complied and that has resulted in dismissal of the Second Appeal filed by the applicants. Learned Counsel submitted that after hearing the parties, this Court has admitted the present Second Appeal and the Court has also framed substantial question of law. In the circumstances, according to the learned Counsel, merely on the ground that the paper book was not submitted

agp/-

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(2)

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within time, the opportunity to argue his appeal on merits cannot be denied to the present appellants. Learned Counsel for the respondent has opposed for condoning the delay stating that the reasons as are assigned are insufficient or inadequate to condone the delay. In the alternative, learned Counsel submitted that since the appellants / applicants have unauthorizedly enjoyed the fruits of the subject property for a period of three years, adequate costs may be imposed while restoring the appeal. After having considered the submissions so made, I am inclined to pass the following order.

ORDER

1. Second Appeal stands restored to its original file. The delay caused in filing the Restoration Application stands condoned. The Applicant is saddled with the costs of Rs.3000/- (Rs. three thousand). Civil Application (No.3136/2016) stands allowed in above terms and disposed of

(P.R. BORA, J.)

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