

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.12393 OF 2017
(Shrirang Kondiba Kolhe and others Vs. Mahadev Bhiva Rode)
IN
SECOND APPEAL STAND NO.24418 OF 2017

Mr.J.V.Patil h/f Mr.P.R.KKatneshwarkar, Advocate for the applicants.
Mrs.S.G.Chincholkar, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 01/02/2018

PER COURT :

1. Learned Advocate appears on behalf of the sole respondent and opposes this application on the ground that the reasons cited for seeking condonation of 108 days delay in filing the second appeal, are not satisfactory. In the alternative, it is contended that heavy costs may be imposed on the applicants and the amount be donated to the Advocate Associations' Bar Library, High Court, Aurangabad.

2. I have considered the submissions of the learned Advocates and have gone through the grounds set out in the application. The delay of 108 days is neither deliberate nor inordinate. This application is, therefore, allowed and the delay is condoned by imposing costs of Rs.500/-.

3. The applicants submit that the said amount shall be deposited with the Advocate Associations' Bar Library, High Court, Aurangabad on or before 16/02/2018. As such the applicants shall produce the receipt of depositing the money before the Registry and the second appeal shall then be registered, subject to the removal of all office objections.

(RAVINDRA V. GHUGE, J.)