

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1156 OF 2018
IN CA/7893/2013

LASHA BODHA MAUCHI
VERSUS
LANKUSH MAHADU MAUCHI AND OTHERS

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Advocate for Applicant : Shri Nagarsoge S.A.
Advocate for Respondents 1 to 3 : Shri Kale V.B.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 12, 2018

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PER COURT :-

1. By this application, the applicant prays for condonation of 979 days' delay and further prays that the order dated 18.3.2015 be recalled and the Second Appeal may be registered.
2. I have heard the learned Advocates for the respective sides.
3. By order dated 18.3.2015 in C.A. No. 7893 of 2013, the applicant was directed to deposit costs of Rs.3,000/- as a condition for registering the Second Appeal by condoning the delay. The said order was not complied with within the period of four weeks as granted and thereafter, a delay of 979 days has occurred.

4. Learned counsel for the respondents submits that the applicants are deliberately delaying the matter so as to prevent the respondents from getting the fruits of litigation. An amount of Rs.3,000/- as directed was not deposited which indicates that the applicant does not have any interest in the litigation. In the alternative, it is canvassed that the costs of Rs.3000/- as were to be deposited with the Advocate Association's Bar Library of Bombay High Court, Bench at Aurangabad, be directed to be deposited forthwith and the costs for the delay of 979 days be granted to the respondents.

5. Considering the above and for the reasons set out in the application, by way of a last opportunity, this application is allowed on the condition that an amount of Rs.3,000/- as directed earlier shall be deposited with the Advocate Association's Bar Library of Bombay High Court, Bench at Aurangabad within four weeks from today. Simultaneously an amount of Rs.3,000/- shall be deposited in this Court which the non-applicant No.1 , as per the suggestion of the learned Advocate would withdraw from this Court and the three non-applicants will share the said amount in equal proportion.

6. Both these amounts shall be deposited on/or before

15.3.2018, failing which this order shall stand recalled and the Civil Application shall stand rejected with effect from 16.3.2018 without reference to the Court.

7. After the above directions are complied with, the Second Appeal would be registered, subject to removal of all office objections.

(RAVINDRA V. GHUGE, J.)

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