

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 73 OF 2018
IN
APPEAL FROM ORDER (ST.) NO. 17641 OF 2017**

Sandeep Pandharinath Nikam	...	Applicant
V/s.		
Santosh Anant Nikam	...	Respondent

- Mr.Subhash P. Nalavade for the Applicant.
- Ms.Sangita A. Musle for the Respondent.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 26th SEPTEMBER, 2018.

P.C. :

1] This is an application for condonation of delay in preferring the Appeal against the order.

2] Learned counsel for the Respondent strongly resists this application on the count that the reason given in the application is not sufficient.

3] Learned counsel for the Applicant fairly concedes that the reason may not be sufficient but it was on account of the fault or negligence on the part of Advocate of the Appellant and for such delay the litigant should not suffer. Hence, in order to advance substantive cause of justice, the delay deserves to be condoned. However, in order

to compensate the Respondent for the delay, this Application deserves to be allowed subject to the costs of Rs.5,000/- to be paid by the Appellant to the Respondent within a period of 4 weeks.

4] In view of the above, the Civil Application is allowed in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]