

JPP

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

*CIVIL APPLICATION NO. 1902 OF 2017
in
SECOND APPEAL NO. 339 OF 2005*

Sadashiv Rau Suryawanshi (deceased)

through his legal heirs

1A. Smt. Sevanta Sadashiv

Suryawanshi & Ors.

... Applicants/Appellants.

V/s.

Mahadev Rau Suryawanshi (deceased)

A. Shri Ravindra Mahadeo Suryawanshi & Ors. ... Respondents.

Mr. N.J. Patil for the Applicants/Appellants.

Mr. Tejpal S. Ingale for the Respondents.

CORAM : N.M. Jamdar, J.

DATE : 11 January, 2018.

P.C. :-

Heard the learned Counsel for the parties. Perused the Application. The delay is of 3 years and 44 days. The learned Counsel for the Respondents has opposed the condonation of delay contending that inspite of knowledge, the application was not taken out in time and the Respondents had moved for dismissal of the Appeal.

2. Considering the facts and circumstances and the nature of dispute between the parties, I am of the opinion that the application deserves to be granted, on imposition of costs.

3. Accordingly, the Civil Application is allowed in terms of prayer clause (b). The Applicant will pay cost of Rs.3,000/- to the Respondents within period of three weeks. The order allowing the application is subject to the payment of cost as above.

(N.M. Jamdar, J.)