

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1475 OF 2011
IN
SECOND APPEAL (ST) NO. 23018 OF 2011

Rajaram Mahadu Survey (deceased) Thr LRs ...Applicant

Versus

Sampat Mahadu Survey (deceased) Thr LRs ...Respondents

None for the Applicant.

Mr. U. Thatte, i/b Mr. M. M. Sathye, for Respondents Nos.1 D,
2B, 2C, 2D & 4A.

Mr. Sugandh Deshmukh, for Appellants Nos.1 C to 1 G.

CORAM: N. M. JAMDAR, J

DATED: 19 JANUARY, 2018

PC:-

1. The Civil Application is for condonation of delay of 386 days. Notice was issued on 17 February, 2011. Registry has endorsed that the Respondents are served.

2. Heard the learned Counsel for the parties. Perused the Civil Application. In the Civil Application the reason is stated that the litigation was looked after by the father of the Appellants and the Suit was filed by the Respondents for partition. It appears that there were certain tenancy proceedings

between the parties. After the impugned order was passed on 20 April, 2010, the copy was supplied for and obtained. In the meanwhile, the original Respondent in the First Appeal so also his son expired and the Applicant is a widow and her children. It is stated that the Applicant no.1 is 76 years old and due to illiteracy and death in their family of two persons, who were looking after the litigation, there was a delay. The Application is opposed by the Respondents.

3. Considering the facts and circumstances, I am of the opinion that the equities can be balanced by imposing suitable costs. Accordingly, the Civil Application is allowed in terms of prayer clause (b) subject to depositing costs of Rs.3,000/- in this Court within three weeks from today and the Respondents will be entitled to withdraw the same.

[N. M. JAMDAR, J.]