

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

*CIVIL APPLICATION NO. 1664 OF 2017
IN
SECOND APPEAL (ST.) NO.29692 OF 2017*

Tukaram Govind Patil ..Applicant.

V/s.

Baburao Dnyandev Kumbhar & anr. ..Respondents.

Mr.Vikrant Desaid i/b. Mr.Suresh Madhukar Kamble for the Applicant.

Mr.Sugandh B. Deshmukh for Respondent nos.1 & 2.

CORAM : N.M. Jamdar, J.

DATED : 12 January , 2018.

P.C. :-

. Heard learned counsel for the parties. The delay sought to be condoned is of 224 days. The Applicant is the Original Defendant. The suit filed by the Respondent / Plaintiff was dismissed and Appeal filed by the Respondent / Plaintiff was allowed and the learned District Judge has granted an order of injunction in favour of the Respondent / Plaintiff.

2. In the application, the reasons sought to be made out are

that the applicant is suffering from illness of hematoma with giddiness. He has to take medical treatment time and again. Medical Certificates have been annexed. Reply is filed opposing the condonation of delay on the ground that the reasons set out are not cogent enough.

3. I have gone through the medical certificates annexed. The medical certificates states that earlier the Applicant had sustained a serious head injury, when he hit his head on a sharp stone. This has been happened some years ago and it appears that it has affected the applicant, which the subsequent medical certificates indicate. I am of the opinion that to balance the equities, it would be appropriate that the application is allowed subject to imposition of costs.

4. Accordingly, the Civil Application is allowed, subject to Applicant paying costs of Rs.5000/- to the Respondents within period of three weeks from today.

5. Place the second appeal on board after office objections are removed.

(N.M. Jamdar, J.)