

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1740 OF 2017
IN
SECOND APPEAL (STAMP) NO. 31094 OF 2017

Santosh Suresh Shinde	..	Applicant
vs.		
Chandrakant Ramchandra Shinde	..	Respondent

Mr. Sagar A. Joshi for Applicant.
Mr. Indrajeet Kulkarni for Respondent.

CORAM : M. S. SONAK, J.
DATE: 23 FEBRUARY 2018

P.C :

- 1] Heard learned counsel for the parties.
- 2] This civil application seeks condonation of delay of 253 days in the institution of this appeal.
- 3] The reason stated is that there was a communication gap between the applicant and his Advocate. It is pointed out that relative of the applicant informed the applicant about the disposal of the matter and thereafter, the applicant has taken steps to institute this appeal.
- 4] The reason stated does not inspire much confidence and the allegations against the lawyer is made in a quite casual manner. However, there is no reply to contest such reason. Besides, it is possible that there may have been some communication gap between the applicant and his Advocate. The time spent for preparation of the appeal memo and collection of the documents

necessary for the institution of the appeal is also not very inordinate. Therefore, upon consideration of the circumstances in their totality, the delay can be condoned subject to payment of costs of Rs.5,000/- (Rupees Five Thousand).

5] The civil application is therefore allowed. The delay in the institution of the appeal is hereby condoned subject to deposit of costs of Rs.5,000/- (Rupees Five Thousand) within a period of four weeks from today.

6] At this stage, the learned counsel for the respondent states that the amount of costs may be paid to some charitable organization or the bar library. Accordingly, the amount of costs may be paid to Kirtikar Library within four weeks from today. Upon production of receipt / evidence as regards payment, the delay shall stand condoned. If no such payment is made, then application shall be deemed to have been dismissed without any further reference to this Court.

6] The civil application is disposed of.

7] Place the second appeal for admission on 6th April 2018 in case the costs are indeed paid.

(M. S. SONAK, J.)