

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

**CIVIL APPLICATION NO.471 OF 2016
IN
SECOND APPEAL (ST.) NO.21378 OF 2015**

Machhindra Nivrutti Kakade

Since deceased

1A. Krishna Macchindra Kakade

And Others

... Applicants

Versus

Madhukar Nivrutti Kakade

And Others

... Respondents

.....

Mr. Anant Vadgaonkar for the Applicants.

Mr. R.S. Alange for Respondent Nos.1 and 3.

.....

CORAM : S.C. GUPTE, J.

DATE : 4 NOVEMBER 2019

P. C. :

. This Second Appeal challenges an order passed by the District Court at Solapur. There was a delay in filing the appeal. The civil application was taken out for condonation of that delay. By an order dated 26 July, 2019, the civil application was allowed and the delay was condoned subject to payment of cost of Rs.2,000/- each to all the Respondents within four weeks. Learned Counsel for the Applicants/Appellants submits that costs have been duly paid to Respondent Nos.1 and 3. So far Respondent No.2 is concerned, the suit against him has already abated and no relief is claimed in the

second appeal against him. So far as Respondent Nos.4, 5 and 6 are concerned, it is submitted that they could not be contacted personally. Since these Respondents have not been represented before this court, cost has not been paid so far. Learned Counsel for the Applicants/Appellants seeks to pay this cost through post by RPAD. Time for payment of cost is, accordingly, extended by four weeks and liberty is granted to the Applicants/Appellants to pay cost by demand draft transmitted through post by RPAD to Respondent Nos.4, 5 and 6. The appeal to come up for admission after four weeks, i.e. on 9 December 2019.

(S.C. GUPTE, J.)