

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

C.A.S. NO.822/2019 IN S.A.ST.NO. 15148/2019.

Kailash Pralhad Chavan

-VERSUS-

Shrirang Gobra Jadhao.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.S. Deshpande, Advocate for the Applicant.
Shri A.R. Chavhan, Advocate for Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : 06.11.2019.

Heard.

2. The applicant/original defendant has prayed for condonation of delay of 243 days in filing Second Appeal in challenging the judgment and decree dated 31.07.2018 in Regular Civil Appeal No.23/2016.

3 Initially non-applicant has filed a suit for removal of encroachment and possession, which came to be decreed. First Appeal filed by defendant was dismissed, hence, this Second Appeal is filed along with application for condonation of delay.

4. The applicant has canvassed his case that

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he is engaged in the business of photography and due to heavy loss in the said business, he was not able to make necessary arrangement to file appeal.

5. Considering the reasons and rights involved in the lis, following order is passed.

(a) Civil Application is allowed and disposed of.

(b) The delay caused in filed Second Appeal is hereby condoned. However, this would be subject to costs of Rs.3000/- payable by the applicant to the non-applicant within a period of two weeks from today, since the non-applicant would be required to face another round of litigation.

(c) It is made clear that if the amount is not paid within the stipulated period, the present application shall stand dismissed without any reference to the Court.

JUDGE

Rgd.