

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 CIVIL APPLICATION NO.2203 OF 2021
IN CA/9453/2018
WITH CA/9453/2018 IN SAST/13827/2018
WITH CA/9454/2018 IN SAST/13827/2018

SHAHURAJ KISAN GUND

VERSUS

SHANKAR PRABHAKAR ADSUL (CHAMBHAR) AND OTHERS

...

Mr. S.A. Wakure, Advocate for applicant

Mr. V.B. Deshmukh, Advocate for respondent Nos.1 to 3 and 5 in
CA/9453/2018

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 11th FEBRUARY, 2021.

PER COURT :

1 Present application has been filed for getting delay of 331 days in filing Civil Application of delay condonation bearing No.9453 of 2018 against respondent No.8.

2 Heard learned Advocate Mr. S.A. Wakure for the applicant and learned Advocate Mr. V.B. Deshmukh for respondent Nos.1 to 3 and 5.

3 It appears that the Civil Application No.9453 of 2018 was filed by the present applicant for getting delay of 10 days condoned in filing

Second Appeal. The respondent No.8 was not served and as the present applicant did not take steps by order dated 20.03.2019 a conditional order was passed. Applicant was directed to take steps on or before 03.04.2019 and the failure was to dismiss the Civil Application. Step has not been taken, and therefore, it stood as dismissed as against respondent No.8. Now, for the reasons stated in the application that now the respondent No.8 has returned to the village and he could be served, application stands allowed and disposed of. However, taking the inordinate delay the applicant will have to compensate the other respondents i.e. respondent Nos.1 to 3 and 5.

4 Application stands allowed.

5 The conditional order passed by this Court on 20.03.2019 stands set aside subject to deposit of costs of Rs.4,000/-, within 15 days from the date of this order.

6 After the amount is deposited, issue notice to the respondent No.8 on his original given address in Civil Application No.9453 of 2018.

7 Respondent Nos.1 to 3 and 5 to take the costs amount equally.

(Smt. Vibha Kankanwadi, J.)