

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**921 CIVIL APPLICATION NO.3347 OF 2018
IN SAST/5525/2018**

RAMDAS KISHANRAO KALNE
VERSUS
KESHARBHAI VENKATRAO PAWDE AND OTHERS

...
Advocate for Applicant : Mr. Kadam Vikram S.
Advocate for Respondents No.2 and 3: Mr. D. R. Bhadekar
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 03-02-2021.

PER COURT :

1. Present application has been filed for getting the delay of 67 days condoned in filing second appeal.
2. Heard both sides.
3. Present applicant is the original plaintiff who has filed Regular Civil Suit No.387 of 2005 for declaration and injunction which was in respect of an immovable property. Learned 7th Joint Civil Judge, Junior Division, Nanded decided the matter and the suit was decreed. The original defendants, thereafter, approached District Court, Nanded by filing Regular Civil Appeal No.64 of 2008. Learned District Judge – 5, Nanded decided the matter and appeal came to be allowed by setting aside the decree passed by the learned lower Court on 28-08-2017. Hence, the original plaintiff intends to file the second appeal, however there is delay of 67 day.

4. The ground that has been stated by the applicant is that though he had applied for the certified copies, the decree copy was not applied for and it again took time for him to get the said copy of decree, and thereafter, there was Christmas Vacations. He also says that after making necessary financial arrangements, he has approached this Court. Therefore, taking into consideration the reasons mentioned and liberal approach, the application deserves to be allowed, however the inconvenience that would have been caused to the respondents is required to be compensated in terms of money. Hence, following order.

ORDER

- 1) Application stands allowed and disposed of.
- 2) The delay in filing second appeal stands condoned subject to deposit of amount of Rs.4,000/- (four thousand) within a period of 15 (fifteen) days from today in this Court.
- 3) After the cost is deposited, Registry to verify and register the second appeal.
- 4) Amount of cost be distributed to respondents No.2 and 3 equally who are contesting the application.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-