

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CIVIL APPLICATION NO.2953 OF 2017
IN SAST/6064/2017 WITH CA/2954/2017 IN
SAST/6064/2017

RAJENDRA RUPCHAND BHILL
VERSUS
NATTHU BENIRAM WANI AND ANR

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Advocate for Applicants : Mr. MM Jadhav, Adv. h/for Mr. Shah
Subodh P.

Mr. RS Gangakhedkar, Adv.h/for Mr. Gangakhedkar
Shailendra For R/1 And 2

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CORAM : SMT. VIBHA KANKANWADI, J.
Dated: February 05, 2021

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PER COURT :-

1. Present application has been filed for condoning delay of 90 days caused in filing the Second Appeal.
2. Heard learned Advocates for respective parties, who strongly supported their respective contentions.
3. Present respondents are the original plaintiffs, who filed RCS No.103/2011 for declaration and injunction against the present appellant-applicant before the learned 3rd Jt.CJJD, Dhule, which came to be decreed on 24.3.2014. Thereafter, present applicant filed RCA No.33/2014 before the District Court, Dhule, which then heard by learned Adhoc Additional BDV

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District Judge, Dhule and it has been dismissed on 2.8.2016 and, therefore, the appellant-applicant intends to file Second Appeal for which there is delay of 90 days.

4. For the reasons mentioned in para Nos. 8 and 9 of the application, the delay stands condoned. The application stands allowed and disposed of, however, subject to deposit of costs of Rs.2,000/- to be deposited within one month in this Court.

5. After the amount is deposited, Registry to verify and register the Second Appeal. The costs amount be given to Respondent Nos. 1 and 2 equally.

(SMT. VIBHA KANKANWADI, J.)

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