

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**12 CIVIL APPLICATION NO.3404 OF 2020
IN SAST/7634/2020**

BALAJI SAYABU PANDILWAD AND ANOTHER
VERSUS
GAYABAI MADHAVRAO TOKALWAD AND OTHERS

...
Advocate for Applicants : Mr. Gawali Amol K.
Advocate for Respondent No.2 : Mr.B. N. Gadegaonkar
Advocate for Respondent No.3 : Mr. U. B. Deshmukh.
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 20-09-2021.

ORDER :

1. Present application is filed for getting delay of 479 days condoned for filing Second Appeal.
2. Heard learned Advocate Mr. Gawali A.K. for the applicants, learned Advocate Mr. B.N.Gadegaonkar for respondent No.2 and learned Advocate Mr. U. B. Deshmukh for respondent No.3.
2. For giving grounds to condone the delay, the applicants say that they could not get the information about the decision from their Advocate in time. It can be seen that the applicants are not layman, but then they blame their Advocate for not giving communication in time.

3. Taking liberal approach the delay deserves to be condoned, however, the inconvenience that has been caused to respondents No.2 and 3 who can be said to be the only contesting party as regards the present application is concerned, deserves to be compensated in terms of money. Hence, following order.

ORDER

- 1) Application stands allowed and disposed of.
- 2) The delay caused in filing second appeal is hereby condoned subject to deposit of cost of Rs.5,000/- (five thousand) within a period of one (01) month from today.
- 3) After the deposit of the amount, Registry to verify and register the second appeal.
- 4) The amount of cost be given equally to respondent No.2 and 3.
- 5) Registry to verify and register the Second Appeal.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-

GAWADE
VIRENDRA
J

Digitally signed
by GAWADE
VIRENDRA J
Date: 2021.09.21
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