

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**936 CIVIL APPLICATION NO.153 OF 2018
IN
SAST/18347/2017**

MADHAVRAO BHIMRAO MAHAJAN
VERSUS
UDESING VESTA VALVI AND OTHERS

...
Advocate for Appellant : Ms. Jadhav Vaishali D.
Advocate for Respondent No.3 : Mr. C. R. Deshpande and C. C.
Deshpande
Advocate for Respondent No.1, 2A to 2G : Mr. J. R. Shah
...

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

PER COURT :

1. Present application has been filed for getting 165 days delay condoned in filing second appeal.
2. Heard learned Advocate Ms. V. D. Jadhav for appellant, learned Advocate Mr. C. R. Deshpande for respondent No.3 and learned Advocate Mr. J. R. Shah representing respondents No.1, 2A to 2G.
3. Present applicant is the original defendant No.2. He want to challenge the Judgment and decree passed in Regular civil Appeal No.64 of 2012 by learned District Judge-2, Nandurbar dated 25-08-2016, thereby the appeal filed by the present respondent No.1 and 2A to 2G came to be allowed.

4. For giving grounds to condone the delay, the applicant says that he is 77 years old retired medical practitioner. He could not get the information about the decision from his Advocate in time. It can be seen that the applicant is not a layman and only the factor of age cannot be the ground to condone the delay, but then he blames his Advocate for not giving communication in time.

5. Taking liberal approach the delay deserves to be condoned, however the inconvenience that has been caused to respondents No.1, 2A to 2G 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.10,000/- (ten 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 and place it before this Court on 08-03-2021 along with Second Appeal No.116 of 2018.
- 4) The amount of cost be given equally to respondent No.1 and respondents No.2A to 2G collectively.

**(SMT. VIBHA KANKANWADI)
JUDGE**

vjg/-