

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO.5417 OF 2011
IN RC/1845/2010

NAGESH GANESHRAO PAWAR AND ANR
VERSUS
KUSUM NAGESH PAWAR AND ANR

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Advocate for Applicants : Mr. Kadam Gajanan G.
Advocate for Respondent Nos.1 and 2 : Mr. Paranjape Prakash S & Irmiti
Salunke

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 10.08.2021

ORDER :-

- . Heard learned Advocate appearing for the applicants.
2. Present application is filed for getting the delay of 76 days condoned in filing second appeal.
3. Learned Advocate for respondent Nos.1 and 2 are absent.
4. The reason that has been tried to be given is that the applicants could not arrange for sufficient court fees due to the poor economic condition. The applicants are agriculturists. Important point to be noted is that the present respondents had filed Regular Civil Suit No.231 of 2007 for maintenance under Section 18 of the Hindu Adoption and

Maintenance Act. It was partly decreed. Defendant No.1 has been directed to pay maintenance at the rate of Rs.15,00/- per month to plaintiff No.1 and Rs.1000/- to plaintiff No.2 from the date of the suit till the date of disposal of the suit. The appeal that was preferred by the present appellant was dismissed by the learned Ad-hoc District Judge-1, Parbhani on 16.02.2010. Under such circumstance, though there is delay of 76 days only, the application by taking liberal view deserves to be allowed, but at the same time taking into consideration the cause for which the suit was filed, cost deserves to be imposed on the applicants and, therefore, the delay stands condoned. The application stands allowed subject to deposit of cost of Rs.5,000/- to be deposited by the applicants within a period of one month from today.

5. After the deposit of the amount, registry to verify and register the second appeal.

6. Respondent No.1 is allowed to withdraw the said amount on behalf of herself as well as respondent No.2, who has been shown as minor through her.

[SMT. VIBHA KANKANWADI, J.]

scm