

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

917 CIVIL APPLICATION NO.3304 OF 2021
IN SAST/26922/2019

SOPAN VAIJOBA BHANDE DIED LRS. FULABAI SOPAN
BHANDE AND OTHERS
VERSUS
YAKUB HAIDERSAB SAYYED

Advocate for Applicants : Mr. Dhanure Bramhanand M.

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 22nd September, 2021.

PER COURT :-

1. Learned Advocate Vikrant Valse, h/for Adv. Fayaz K.Patel submits that he has instructions to appear for the respondent. He may file his Vakalatnama during the course of the day.
2. Present application has been filed for getting delay of 104 days condoned in filing the Second Appeal.
3. Taking into consideration the duration of the delay and the fact that the parties are from rural area and for the reasons stated in para Nos. 7 to 9 of the application, the delay deserves to be condoned. However, the inconvenience that would be caused to the respondent has to be compensated in terms of money. Hence, taking into consideration the delay of 104 days, costs of Rs.3,000/-

(2)

would suffice and would be in the interest of justice. Hence, following order, -

ORDER

- i. The delay caused in filing the Second Appeal stands condoned subject to deposit of costs of Rs.3,000/- within fifteen days from today.
- ii. After the cost is deposited, Registry to verify and register the Second Appeal.
- iii. The costs be paid to the respondent.
- iv. The application stands allowed and disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV