

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

918 CIVIL APPLICATION NO.5319 OF 2021
IN SAST/34061/2019

BHIWA MAROTI BAHIR AND ANOTHER
VERSUS
NAVNATH UTTAM PINGLE AND OTHERS

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Advocate for Applicants : Mr. Naikwade Shivaji K.
Mr. GJ Kore, Adv. h/for Mr. Vinay Anjanvatikar, Adv. For
Respondents.

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

PER COURT :-

1. learned Advocate GJ Kore, h/for Advocate Mr. Vinay Anjanwatikar, submits that he has instructions to appear for the respondents. He may file his Vakalatnama within a week.
2. Present application has been filed for getting delay of 135 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. 2 and 3 of the application, the delay deserves to be condoned. However, the inconvenience that would be caused to the respondents has to be compensated in terms of money. Hence, taking into consideration the delay of 135 days, costs of Rs.5,000/-

(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. 5,000/- 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 respondents equally.
- iv. The application stands allowed and disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV