

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO. 439 OF 2016
IN
CIVIL APPLICATION NO. 910 OF 2009
IN
SECOND APPEAL (ST) NO.19193 OF 2007)**

Rajaram Pandharinath Bhujbal
(since deceased through LRs) & Ors. ... Applicants

Versus

Rajaram Buwasaheb @ Bhausahab
Dhamdhare & Ors. ... Respondents

Mr. Dilip Bodake i/b. Mr. Vikas B. Shivgan, Advocate for the Applicants.

Ms. Heena Suvarnakar i/b. Mr. Kuldeep S. Patil, Advocate for the Respondent No.1.

Mr. Jaydeep Deo, Advocate for the Respondent No.5.

**CORAM : A. S. GADKARI, J.
DATE : 30th NOVEMBER, 2021.**

P.C.:-

This is an Application for restoration of Civil Application No. 910 of 2009 and the proceedings thereunder which was dismissed for default by an Order dated 13th November 2009.

There is a delay of 4 years and 48 days in filing the present Application.

2 Ms. Suvarnakar, learned Counsel appearing for the Respondent No.1 and Mr.Deo, learned Counsel for the Respondent No.5 opposed the

Application and submitted that the inordinate delay in filing the present Application has not been properly explained by the Appellant. They, however, fairly submitted that if the Court is inclined to condone the delay, the Appellants be imposed with heavy cost.

3 Perusal of Application indicates that there is no satisfactory explanation given by the Applicants for condoning the said inordinate delay of 4 years and 48 days in filing present Application. However, in the interest of justice, I am inclined to condone the said delay subject to a condition that the Applicants shall pay the cost of Rs.15,000/- to the High Court Legal Services Committee, Mumbai within a period of two weeks from today.

4 The Applicant to pay/deposit the costs in the account namely “High Court Legal Aid Fund”, Account No. 60045304283, IFSC-MAHB0000002 of the Bank of Maharashtra, Branch-Fort, Mumbai-400032, maintained by the High Court Legal Services Committee, Mumbai, Room No. 105, 1st Floor, PWD Building, High Court, Mumbai and to furnish the details of such costs to the High Court Legal Services Committee, Mumbai and obtain the receipt thereof physically or through Email i.e. hclsc.mumbai@gmail.com which shall be the proof of such payment/deposit.

5 Subject to deposit of cost, Application is allowed in terms of prayer clauses (a) and (b).

(A.S. GADKARI,J.)