

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1497 OF 2021****IN****SECOND APPEAL (ST.) NO.9826 OF 2021**

Sushant Ajitkumar Dass and Anr.	... Applicants
<u>In the matter between:-</u>	
Sushant Ajitkumar Dass and Anr.	... Appellants
V/s.	
Satish Vithalrao Kitkaru and Anr.	... Respondents

Mr.Uday Nighot for Applicants.

Mr.R.M. Pande for Respondent Nos.1 and 2.

CORAM : A.S. GADKARI, J.
DATE : 17th September, 2021.

PC. :

1. This is an application for condonation of delay of 1 year and 149 days in filing present Second Appeal.
2. Mr. Pande, learned counsel appearing for the Respondents opposed the Application and submitted that, Respondents have filed reply dated 12th September, 2021 in opposition to the present Application. He submitted that, the Appellants are not bonafide litigants and the delay has not been properly explained by the Appellants. He therefore, prayed that, the present Application may be dismissed.

3. Perusal of Application and in particular para No.8 therein would indicate that, the Appellants have made out sufficient cause for condonation of delay. It appears that, the delay which is caused in filing the present Application is not intentional and deliberate.

4. In view thereof and in the interest of justice, delay is condoned, subject to condition that, the Applicants shall pay a cost of Rs.10,000/- (Rs.Ten Thousand Only) to the High Court Legal Services Committee, Mumbai having its 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 cost 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. The cost be deposited within a period of four weeks from today.

5. In view of above, Application is allowed in terms of prayer clause (a), subject to payment of cost within stipulated period as noted earlier.

6. It is made clear that, if the Applicants/Appellants fail to deposit the said costs within stipulated period, the present Application and also Second Appeal shall stand dismissed without further reference to the Court.

7. If the aforesaid cost is paid within stipulated period, list the Second Appeal on board on 22nd October, 2021.
8. Ad-interim relief granted by Order dated 15th July, 2021 to continue till then.

[A.S. GADKARI, J.]