

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****I.A. NO. 1531 OF 2019****IN****SECOND APPEAL NO. 688 OF 2015**

Shri. Chandrakant Bapu Fand & Anr.

.....Applicants.

Vs.

Shri. Vijaykumar Satyanarayan Agarwal & Ors.

.....Respondents.

Ms. Archita Gharat i/by P.M. Jadhav for the Applicants.

Mr. Rahul Khot i/by Pratap Patil for the Respondent No.1.

Mr. Nikhil Devkar i/by Raju Yamgar for the Respondent No.2.

CORAM : A. S. GADKARI, J.**DATE : 9th DECEMBER, 2021.****PC.:-**

This is an Application for restoration of Second Appeal No.688 of 2015 which was dismissed for non-compliance of directions issued in paragraph No.3 of Order dated 16th October, 2015.

2 There is delay of 2 years and 328 days in filing the present Application.

3 Learned counsel for the Respondents opposed the Application and submitted that, the proper explanation for condonation of delay has not been offered by the Applicants/Appellants, therefore the delay may not be condoned.

He further fairly submitted that, if this Court is inclined to

condone the said delay, the Applicants/Appellants may be imposed with heavy cost.

4 In view thereof and in the interest of justice, I am inclined to condone the delay subject to condition that, the Applicants/Appellants shall pay cost of Rs.10,000/- to the High Court Legal Services Committee, Mumbai within a period of three weeks from today.

The Applicant to deposit the cost 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 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 deposit.

5 Subject to deposit of the aforestated cost, delay is condoned and the Second Appeal is restored to file.

Application is allowed in the aforesaid terms.

The Applicants/Appellants are directed to file paper book in the Registry within a period of four weeks from the date of payment of cost.

(A.S. GADKARI, J.)

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