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

**904 CIVIL APPLICATION NO.4732 OF 2020
IN SAST/23906/2018**

Rajaram Bhumayya Gundu
LRs Sulochana and Others

.. Applicants

Versus

Chandrakant Ramayya Bura
LRs Shakuntala and Others

.. Respondents

...

Mr. S.P. Salgar h/f. Mr. Niteen V. Gaware, Advocate for Applicants
Mr. N.B. Patekar, Advocate for Respondent Nos.1-A and 1-C to 1-E

...

WITH

CA/4733/2020 IN SAST/23906/2018

...

CORAM : MANGESH S. PATIL, J.

DATE : 23-02-2022

PER COURT :

. Heard both the sides.

2. Civil Application No.4732 of 2020 is for condonation of delay of 54 days occasioned in filing the Second Appeal.

3. The learned advocate for the respondents strongly opposes the application and submits that no sufficient ground is mentioned in the application.

4. Having heard both the sides and after going through the reasons mentioned in the application coupled with the fact that the

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dispute pertains to right to an immovable property, it would be appropriate to allow the matters to be decided on merits rather than by default.

5. The application is allowed subject to the payment of costs of Rs.2,000/- to the respondents, to be deposited in this Court within two weeks. On such costs being deposited, the delay would stand condoned.

6. The respondents shall be entitled to claim the costs.

7. After such costs are deposited, register the Second Appeal.

8. Issue notice to the respondents in the Second Appeal returnable four weeks thereafter. Mr. N.B. Patekar waives notice on behalf of respondent nos.1A, 1C to 1E.

9. Till next date, the execution and operation of the judgment and order under challenge shall stand stayed.

(MANGESH S. PATIL)
JUDGE