

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

**CIVIL APPLICATION NO.4603 OF 2016
IN
SECTION APPEAL (ST) NO. 10586 OF 2016**

**BALKRISHNA SOMNATH LAHOTI
VERSUS
NATESHWAR RAJARAM CHAVAN**

...
Advocate for Applicant : Mr. P. D. Patil
Advocate for Respondent: Mr. R. B. Wani
...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 22.06.2023

PER COURT :

1. The aggrieved applicant / plaintiff, in Special Civil Suit No.09/2007 is before this Court and seeks to condone the delay of 160 days caused in filing the present second appeal.
2. The learned Advocate appearing for the applicant invites attention of this Court towards Paragraph No.3 of application and submits that, the sufficient cause is made out to condone the delay.
3. The learned Advocate appearing for the respondent vehemently opposes the application and contends that, the reasons given in Paragraph No.3 of application are vague and sans the requisite particulars. He would further point out that, the present second appeal is arising out of a commercial litigation and applicant is a businessman and not a rustic person.

4. It appears from the reasoning given in the application that, applicant is posing that, he was not having sufficient funds for Court fees and other ancillary expenses and time was consumed to make necessary arrangement.

5. Although the reasons are not adequately explained considering the nature of dispute, it would be appropriate to condone the delay by granting some costs to the respondent. Hence, the following order:

ORDER

(i) Application is allowed.

(ii) The delay of 160 days caused in filing the appeal is condoned, subject to condition that applicant deposits the costs of Rs.3000/- in this Court within a period of four weeks from today.

(iii) The costs amount be paid to the respondent.

(iii) On depositing of such costs, appeal be registered.

(S. G. CHAPALGAONKAR, J.)