

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CIVIL APPLICATION (CAF) NO.67 OF 2023 IN****FIRST APPEAL STAMP NO.20049 OF 2022**

Ashokkumar S/o Rewachand Balwani and another Vs. Pawantai Wd/o
Krishna Meshram and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri N.M.Gaikwad, Advocate for applicant.

Shri Pravin Ganvir, Advocate for respondent nos.1 to 5.

CORAM : SMT. M.S. JAWALKAR, J.

DATE : JUNE 16, 2023.

Heard learned counsel for the applicants and learned
counsel for non-applicants.

2. The present application is filed for condonation of delay of 186 days caused in filing the first appeal. It is submitted that the applicants were not knowing that the impugned judgment and order has been passed by the learned Tribunal and were expecting that counsel will inform them regarding the decision. The impugned order came to be passed on 22.03.2023 and the same came to the knowledge of applicants in July, 2022, when the applicants received notice of execution proceedings.

3. The learned counsel for the non-applicant has vehemently opposed the application.

4. For the reasons stated in the application, though I am inclined to allow the application, however, inconvenience

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caused to non-applicant cannot be ignored. That can be taken care of by imposing cost. Accordingly, I pass the following order:

(i) The civil application is allowed.

(ii) Delay of 186 days caused in filing first appeal is condoned subject to payment of costs of Rs.3,000/- to be paid to non-applicants within a period of two weeks.

(iii) Registry to register the first appeal, after payment of costs as directed.

Application stands disposed off.

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5. At this stage, learned counsel for the parties submit that the matter is likely to be amicably settled and are requested for sending the matter for mediation.

6. At their joint request, Advocate Shri S.Y. Deopujari, is appointed as a Mediator in the matter.

7. Learned Coordinator, Maharashtra State Legal Service Aid Sub Committee is requested to coordinate. Parties to appear before the learned Mediator on 28.06.2023 at 02:00 pm in the Mediation Centre.

(SMT. M.S. JAWALKAR, J.)