

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

**17 CIVIL APPLICATION NO. 17223 OF 2022
WITH
IN SAST/13576/2022**

**THE CHAIRMAN MUKUND CO-OPERATIVE HOUSING
SOCIETY
VERSUS
IGNATIUS XAVIER DORATRAJ AND ANOTHER**

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Mr. M.P. Kale, Advocate holding for Mr. Ganesh Sukale,
Advocate for the applicant.

Mr. S.V. Deshmukh, Advocate for respondent No. 2.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 8 JULY 2024.

ORDER:-

1. Heard learned Counsel for the applicant.
2. Issue notice to the respondents. The learned Counsel Mr. Deshmukh waives service for respondent No. 2. The respondent No.1 plaintiff is already served in another application filed by the present respondent No.2.
3. Heard rival submissions.
4. The applicant is seeking condonation of delay of 1012 days in filing the second appeal. Though the learned Counsel for respondent No.2 opposed the application, but considering the statutory right of the applicant, the application stands allowed in terms of prayer clause (B) subject to cost of Rs.

1500/- to be deposited with Registry of this Court for utilization of High Court Dispensary, Bench at Aurangabad,. The appeal be registered after removal of office objections, if any and after deposit of cost.

5. The application is accordingly allowed.

(SANDIPKUMAR C. MORE, J.)