



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

**CIVIL APPLICATION NO. 8629 OF 2025
IN
SECOND APPEAL NO. 247 OF 2005**

Vishwanath Madhav Domkondwar
Since deceased through L.Rs.
Chandrakalabai and others .. Applicants

Versus

Vitthal Ramji Kolhe
Since deceased through L.Rs.
Arun and others .. Respondents

Mrs. Majiri A. Kuliarni, Advocate for the Applicants.
Ms. Ashwini Deshmukh, Advocate h/f Shri Devang Deshmukh,
Advocate for the Respondent Nos. 1A to 1D.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 14TH AUGUST, 2025.**

FINAL ORDER :

. Applicants shall serve the copy of civil application on the respondents.

2. Heard both sides. Present application is for condonation of delay caused in restoring second appeal as well as for direction to accept Rs. 40,000/-. For the reasons stated in the application, the steps could not be taken which entailed in dismissal of the second appeal. Applicants are ready to deposit Rs. 40,000/- with the office. It is contended that previously also the applicants

have deposited the amount. There is connected appeal bearing Second Appeal No. 248 of 2005, which is pending and same is to be heard along with present second appeal.

3. Application is contested by the respondents. It is pointed that there is default on the part of the applicants in deposit of amount.

4. I have considered rival submissions of the parties. For the reasons stated in the application, I deem it appropriate to condone the delay and restore the second appeal to its original position. The civil application is allowed and second appeal along with civil application is restored to its original position on condition that applicants deposit Rs. 40,000/- (Rs. Forty Thousands only) within a period of one (01) week from today. On depositing the amount, the respondents shall be at liberty to receive the same. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/Aug. 25