

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

Civil Application No.79 Of 2013.

IN

Second Appeal No. 564 Of 2000.

Dnyanoba Gulabrao Dhavale **:: Applicant.**

Versus

Sampat Vamanrao Konde & Ors. **:: Respondents.**

Appearance =>

Mr. Jaydeep Deo, Advocate for the Applicant.

Ms. Swaenil Mhatre i/b. Mr. S.S. Kulkarni, Advocate for Respondent No.1.

CORAM => **R.Y. GANOO, J.**
DATE => **28th FEBRUARY, 2013.**

P.C. :-

Civil Application is filed for restoration of Second Appeal by setting aside the order dated 15th February, 2007. There is a delay of 5 Years and 169 days.

[2] Heard learned advocates for both the sides.

[3] Looking to the text of the application, delay is required to be condoned so that the applicant would get the chance to contest the Second Appeal on merit. Looking to the quantum of delay, delay is to be condoned, subjects to payment of costs. Hence, following order is passed :-

ORDER

(i) Civil Application No.79 Of 2013 is made absolute in terms of prayer clauses (a) and (b).

(ii) The applicant to deposit sum of Rs.5000/- (Rs.Five Thousand Only) in the Court.

(iii) Out of the costs awarded, an amount of Rs.2500/- be paid to respondent No.1 and Rs.2500/- to respondent No.2. Each of the respondents are permitted to withdraw the said amount without furnishing security or guarantee.

(iv) Second Appeal No. 564 Of 2000 is restored to the file of the Court. Second Appeal is of the year 2000. It be placed with other Second Appeal of the year 2000. Costs shall be a condition precedent.

(R.Y. GANOO, J.)