

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2065 OF 2013
IN LPAST/4083/2013

BHAGWANRAO NARAYANRAO BHARKAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. U. R. Awate
AGP for Respondents 1 to 3: Mr. R.P. Phatke
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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 17th JULY, 2015

P.C. :-

1. It is submitted by the learned counsel that there is delay in filing application in Letters Patent Appeal, as the petitioner had filed application for review of the order passed by the learned Single Judge. The said review petition came to be decided and rejected only on 22.1.2013 and the present Letters Patent Appeal is filed on 4.2.2013. In fact, the time lost in prosecuting the review petition is required to be considered in view of Section 14 of the Indian Limitation Act.

2. We have heard learned A.G.P. also. The non applicant No.4 is served, still is absent.

3. We have considered the submissions canvassed by the learned counsel for the respective parties. There appears to be delay of 908 days, the same is on account of the fact that review was being prosecuted of the order passed in writ petition and after dismissal of the review petition, the Letters Patent Appeal has been filed alongwith the present application for condonation of delay.

4. Considering the above, even the averments made in the application are not controverted by the non applicants by filing affidavit in reply. In the light of that, for the reasons stated in the application, application is allowed. Delay condoned. Application is disposed of.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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