

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

**Civil Application No. 3999 of 2015
In
Civil Revision Application Stamp No.6011 of 2015**

Dattu s/o Bhuja Raut (Died)
Through legal representatives. .. **Applicants.**

Versus

The State of Maharashtra
And Another. .. **Respondents.**

Shri. Vivekanand V. Ingale, Advocate, for applicants.

Shri. V.H. Dighe, Assistant Government Pleader, for
respondents.

CORAM: T.V. NALAWADE, J.

DATE : 4th DECEMBER 2015

ORDER:

1) The application is filed for condonation of delay of 2626 days caused in filing revision against the judgment and order of LAR No.90 of 2005. Both the sides are heard.

2) The submissions made and the record show that the reference was filed by Dattu Raut, predecessor in title of present applicants. Dattu died on 19-5-2002. The

proceeding was filed in the Court of the Civil Judge Senior Division Osmanabad in the year 1997. New Court was created at Omerga and so this matter was transferred to Omerga Court in the year 2005 and the new number was given to the proceeding. There is possibility that notice of the proceeding was issued to Dattu by the new Court. Nobody had tuned up and so the matter came to be dismissed on 16-9-2006.

3) It appears that the present applicants, successor of Dattu had no knowledge of the pending proceeding and so there is sufficient cause.

4) In the result, the application is allowed. Delay is condoned. Notice in revision. Learned Assistant Government Pleader waives notice for respondent Nos.1 and 2. List the revision for final disposal on 7th January 2016.

Sd/-
(T.V. NALAWADE, J.)

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