

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CIVIL APPLICATION no. 4151 OF 2012
IN
SECOND APPEAL NO. 25 OF 2012

Vasant s/o Laxmanrao Patil .. Applicant

vs

Shaikh Ayub Shaikh Issak Qureshi, died,
through legal representatives :-
Nasimbee Shaikh Ayub Qureshi and ors. .. Respondents

Mr. Bharat R. Warma, Advocate for applicant
Mr. Girish Rane, Advocate for respondents

CORAM : SUNIL P. DESHMUKH, J.
19TH NOVEMBER, 2015

ORDER:

1. Heard learned counsel for the applicant-appellant as well as respondents.
2. Learned counsel for the applicant points out that the deceased respondent had been living in different village and the appellant as such was not aware of the death of the respondent. He submits, death of respondent came to appellant's knowledge only upon *purshis* being submitted by learned counsel for respondent in this court to that effect and thereafter steps were immediately taken by the appellant and in the process delay is caused which is neither intentional nor any benefit therefrom would have been enured to the appellant.

3. Although, learned counsel for respondent has reservation about the reasons put forth by the appellant, it has to be appreciated that he has not been able to dispute veracity of the contents of the application.

4. In the circumstances and having regard to the approach normally to be adopted in the matter of condonation of delay, I deem it appropriate to condone delay for the reasons contained in the civil application as well as on consideration of submissions advanced.

5. Civil application, as such, is allowed in terms of prayer clauses (B) and (C) and disposed of.

SUNIL P. DESHMUKH, J.

pnd