

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**CIVIL APPLICATIONS NOS.5080/2015 &
5083/2015**

IN

SECOND APPEAL NO.38/1995

Banarasibai Narayanrao Raner,
died, through L.Rs.
Sanjay Rangnathrao Raner.
...Applicant..

Versus

The State of Maharashtra & others.
...Respondents...

.....

Shri Shailendra S. Gangakhedkar, Advocate for applicant.
Shri G.R. Ingole, AGP for respondent nos.1 & 2.
Shri D.B. Kale, Advocate for respondent nos.3A, 3B, 3D
and 3E.
Respondent no.3C deleted.

.....

CORAM: N.W. SAMBRE, J.

DATE: 07.07.2015

ORDER :

1] One Banarasibai was the appellant in Second Appeal No.38/1995, which according to the applicant, was admitted against the concurrent findings by order dated 8.2.1995 by this Court.

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2] Said Second Appeal No.38/1995 was subsequently dismissed for want of prosecution on 24.7.1996.

3] Said Banarasibai expired on 20.4.2005. The applicant herein who claims to be the legal heir of said Banarasibai has moved Civil Application No.5080/2015 for restoration of Second Appeal No.38/1995 seeking condonation of delay of about 6836 days.

4] The only cause cited in the application for condonation of delay is that after death of Banarasibai and after the present applicant was declared as legal heir, the fact about initiation of Second Appeal No.38/1995 and pendency thereof before this Court, was first time noticed after the revenue authority i.e. Tahsildar issued notice dated 13.2.2015.

5] In support of contention for condonation of delay of 6836 days, the applicant would urge that he was unaware about initiation of the proceedings and dismissal of Second Appeal No.38/1995 and thus delay has caused, which is un-intentional.

6] In my opinion, sufficient cause for condonation of delay is not at all established seeking condonation of delay of 20 years. Even otherwise the Second Appeal

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No.38/1995 was preferred against the concurrent findings of the Courts below. As such Civil Application No.5080/2015 stands dismissed. Consequently, Civil Application No.5083/2015 does not survive and disposed of as such.

(N.W. SAMBRE, J.)