

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

**CIVIL APPLICATION NO.9275 OF 2012
IN
LETTERS PATENT APPEAL ST. NO. 17168 OF 2012
IN
WRIT PETITION NO. 3170 OF 2000**

Omprakash s/o Sitaram Jaju
& others

.. APPLICANTS

VERSUS

Digambar s/o Sambhaji Puyad

.. RESPONDENT

Mr. P.R. Katneshwarkar, advocate for applicants.
Respondent though served, absent.

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**CORAM : R.M. BORDE &
A.I.S. CHEEMA, JJ.
DATE : 19th NOVEMBER, 2015.**

PER COURT :

1. This application is presented seeking condonation of delay of 3797 days occurred in presenting the Letters Patent Appeal.
2. The Letters Patent Appeal is directed against the judgment passed by the learned Single Judge in Writ Petition no. 3170/2000 decided on 05.09.2001. Appellant no. 1 before us Shri Omprakash Sitaram Jaju who represented the trust in Writ Petition No. 3170/2000 was then holding the post of Secretary of the trust. In these circumstances, it cannot be said that the appellant no. 1 did not have knowledge of disposal of the writ petition on 05.09.2001. Learned counsel for applicants, relying on section 6 of the Societies Registration Act, 1860, contends that the knowledge of the trustee who represented the trust before the learned Single Judge cannot be

considered to be the knowledge attributable to the trust. The argument advanced is not acceptable since the knowledge attributable to the trust which is a registered body shall be necessarily the knowledge gained by the trustees of the trust. Learned counsel for applicant contends that the order passed by the learned Single Judge is unsustainable in view of several litigations pending in High Court and other Courts. However, at this juncture, it would not be appropriate to deal with the merits of the contentions since the long delay of more than 10 years i.e. 3797 days has not been explained satisfactorily. The application seeking condonation of delay does not deserve favourable consideration hence stands rejected.

(A.I.S. CHEEMA)
JUDGE

(R. M. BORDE)
JUDGE

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