

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

41. CA/8935/2014 In CRAFT/20186/2014

GULAM ASKAR GULAM SARWAR
V/S
THE STATE OF MAHARASHTRA AND OTHERS

Mrs. M.S. Mhase , Advocate for applicant.

Mrs. M.S. Patni, AGP for respondent No. 1.

Mrs. R.D. Reddy, Advocate for respondent No. 2.

Mr. S.S. Mane, Advocate for respondent No. 4.

Mr. M.L. Dharashive, Advocate for respondent Nos. 7 and 8.

CORAM : T.V. NALAWADE, J.

DATED : 3rd August, 2015.

ORDER :

1. The application is filed for condonation of delay of 2231 days in filing Civil Revision Application against the judgment and order of LAR No. 345/1982. Heard both the sides.

2. It is the contention of the applicant that he is legal heir of original claimant - Gulam Sarwar Abdul Nabi. It is contended that after the death of Gulam Sarwar during pendency of the proceeding notices were sent on Court motion, but notice to the present applicant was never served and present applicant had no knowledge about the pendency of the proceeding. It appears that notice was served on some of the legal heirs, but no evidence is given to substantiate the claim.

Ultimately the matter came to be dismissed. The learned counsel for the respondents submitted that there is no sufficient cause for condoning the delay.

3. This Court has gone through the copy of Roznama produced along with the present matter which is of LAR No. 345/1982. There is force in the aforesaid contentions made by the learned counsel for the applicant. There is apparently some case to fight out and so, this Court holds that sufficient cause is shown.

4. In the result, the application is allowed. Delay is condoned.

5. Notice in CRA. It is waived by Mrs. R.D. Reddy for respondent No. 2. Mr. S.S. Mane waives notice for respondent No. 4. Mr. M.L. Dharashive waives notice for respondent Nos. 7 and 8 and the learned AGP waives notice for respondent No. 1. List the matter for final disposal at admission stage on 9.9.2015.

[T.V. NALAWADE, J.]

ssc/