

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) LPA STAMP NO.25581 OF 2010

**938 LETTERS PATENT APPEAL STAMP NO.25581/2010
IN
WRIT PETITION NO.2170 OF 2010**

BUDHGIR RAGHUNATH GIRI DIED THROUGH LRS BHAGAWANGIR
BUDHGIR GIRI AND ORS
VERSUS
KISHANRAO SOPANRAO MORE AND ORS

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Advocate for Applicants : Mr.Jain Vishwajit R.
Mr.Patil Milind, Adv., For Respondent no.1.

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: September 11, 2015

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PER COURT :-

1. The appellant is raising an exception to the order passed by the learned Single Judge in Writ Petition No.2170 of 2010 decided on 26th April, 2010. The order passed by the appellate Court, dismissing the application tendered by the appellant, seeking condonation of delay, came to be rejected which order was subjected to challenge in the Writ Petition. The learned Single Judge has observed in the order that during the lifetime of deceased Budhgir the appeal had become hopelessly time barred and there is no reason given as to why the deceased did not prefer any appeal between the period April 2002 to January, 2005. The appellant also did not give any details regarding date of knowledge of the disposal of the suit or any other reason for filing appeal at such belated stage. It is only stated that deceased Budhgir was suffering from illness, however, no material evidence, including

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medical certificate is produced on record. No cogent reasons for causing delay are stated and thus learned Single Judge rightly refused to condone the delay.

2. We do not find any infirmity or irregularity in the order passed by the learned Single Judge. The Letters Patent Appeal is devoid of substance and stands dismissed.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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