

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12497 OF 2013
IN SAST/26309/2013

OSMAN NABI VERSUS ABDUL GAFAR ABDUL MASTAN AND ANOTHER

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Advocate for Applicant : Shri Khan Faiz h/f Shri Katneshwarkar P.R.
Respondent No.1 : Served but absent
Advocate for Respondent 2 : Shri Pathan Hamzakhan I.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 19, 2015

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PER COURT :-

1. Respondent No.1, despite service, has chosen to remain absent. No appearance has been entered on his behalf.
2. The application is for condonation of 445 days delay in lodging the Second Appeal. The circumstances, which prevented the applicant, who is 80 years' old Senior Citizen, are set out in paragraph No.6 of the application. Poor financial condition, immobility, partial blindness and severe diabetes are the ailments from which the applicant is presently suffering.
3. Learned Advocate for respondent No.2 opposes the application on the ground the reasons cited are not supported with documents.
4. In the light of the above, this Civil Application is allowed. Delay of 445 days is condoned. Looking at the advanced age of the applicant and the various physical ailments that he is said to be suffering from, I am not imposing costs, in the peculiar facts and circumstances of the case.
5. The Second Appeal be registered.

(RAVINDRA V. GHUGE, J.)

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