

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.14729 OF 2011 IN
SECOND APPEAL NO.396 OF 2000

SURESH BHAGWAT DHINGANE
AND OTHERS

APPLICANTS

VERSUS

ASHRUBA KISHAN KHARADE
AND OTHERS

RESPONDENTS

Mr.A.A.Shelke h/f Mr.D.N.Suryawanshi, Advocate for the applicants.
Mr.N.R.Thorat, Advocate for respondent Nos.1 to 3.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 17/04/2015

PER COURT :

1. By this application, the applicants pray for condonation of 1717 days delay in attempting to bring the legal heirs of the deceased respondent No.4 on record. The second appeal has already been admitted by order dated 14/08/2000 and ground Nos.8 to 10, 12 and 13 have been taken to be substantial questions of law. It is further submitted that the delay is neither deliberate nor intentional and the applicants do not benefit from causing the delay as they are the original appellants in the second appeal.

2. Learned Advocate for the respondents has strongly opposed the application on the ground that the applicants intend to delay the

matter. They are protected by the interim orders passed by this Court. They are enjoying the suit property by causing delay in the matter and hence the application be rejected. It is further submitted that the delay is not satisfactorily explained.

3. In the light of the above and considering the rival submissions, this civil application is allowed. Delay of 1717 days is condoned subject to costs of Rs.5,000/- (Rs.Five thousand only) to be deposited in this Court within a period of 4 (four) weeks from today. The respondents are at liberty to withdraw the costs. After depositing the costs, the legal heirs of deceased respondent No.4 be brought on record in the second appeal within 2 (two) weeks.

4. In the event of non compliance of this order, the same shall stand recalled and the civil application shall stand rejected.

(RAVINDRA V. GHUGE, J.)