

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO.14269 OF 2013  
IN  
SECOND APPEAL NO.156 OF 1993

DUMAN FAKIRA PATIL, DIED,  
THROUGH LR'S AND ANOTHER

APPLICANTS

VERSUS

LAXMAN FAKIRA PATIL

RESPONDENT

Mr.S.S.Bora, Advocate for the applicants.

Mr.R.B.Dhaware h/f Mr.U.S.Malte, Advocate for the respondent.

( CORAM : RAVINDRA V. GHUGE, J.)

DATE : 23/04/2015

PER COURT :

1. SA No.156/1993 has been admitted by this Court by order dated 07/04/1993 after treating Ground Nos.3 to 6 as substantial questions of law.

2. Sole appellant Duman Fakira Patil has passed away on 13/04/2008. Mr.Bora, learned Advocate submits that since the second appeal was admitted, there was no reason to keep in constant touch with the appellant. After the legal heirs of the appellant visited Aurangabad for attending a marriage in Sept.2011, they visited the Advocate for the appellant and informed about the demise of Duman

Fakira. Immediately thereafter, this civil application has been filed on 11/11/2003. Hence the delay of 1947 days, which is neither intentional nor deliberate.

3. Mr.Malte, learned Advocate has strongly opposed the application. The deceased applicant and the sole respondent are real brothers. Reasons cited are not satisfactory and the application be rejected.

4. In the light of the above and for the reasons set out in paragraph Nos. 2 to 5 of the application, the same is allowed. Delay of 1947 days is condoned subject to costs of Rs.2,000/- (Rs. Two thousand only) to be deposited in this Court within 6 (six) weeks from today. Sole respondent may withdraw the costs. After depositing costs, legal representatives of deceased appellant be brought on record within 2 (two) weeks.

5. 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.)