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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5638 OF 2015
IN
SECOND APPEAL STAMP NO.991 OF 2015

Dhondiba Haribhau Nipanikar

APPLICANT

VERSUS

Rajabhau Balaji Shirsath & others

RESPONDENTS

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Mr. R. B. Deshmukh, Advocate for the applicant

Mr. S. A. Patil h/f Mr. V.D.Salunke, Adv for respondents No.2 to 4

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 22nd JANUARY, 2016

ORDER :

1. Heard learned advocates for the parties.
2. Learned advocate for the applicant points out that the applicant is an age old person and had not been keeping good health for quite a while and under the circumstances, no movement could be possible within prescribed period of limitation to institute present second appeal.
3. Learned advocate for the respondents, however, purports to oppose the application stating that there is no credible material made available by the applicant in order to support

condonation that he was not keeping good health while it is being so contended.

4. However, learned advocate for the respondents is not in a position to dispute the fact that while the matter came to be lodged in this court, the applicant had been running in 74th year of his age. A pedantic and technical approach in the matters of condonation of delay normally is not followed. Generally, litigants are said to be not to get any benefit from making a belated approach. In the present matter, it does not appear that the delay has been caused with any deliberation or intention.

5. In the circumstances, the application is being considered favourably for the applicant. The application is allowed in terms of prayer clause "B" and stands disposed of.

[SUNIL P. DESHMUKH, J.]