

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11197 OF 2012
IN
SECOND APPEAL NO. 1271 OF 2004

MADHUKAR BABARAO CHAMBHAR AND ANR
VERSUS
GANPATI DAULA KADAM DIED THR LRS LOCHANABAI GANPATI KADAM
AND ORS

Mr P.P. Karegaonkar, Advocate h/f Mr Pradeep Deshmukh, Advocate
for applicants
Ms Sheetal V. Salunke, Advpcate h/f Mr V.D. Salunke, Advocate for
respondents no. 4-A to 4-F

CORAM : SUNIL P. DESHMUKH, J.

DATE : 16th December, 2016

PER COURT

1. Heard learned counsel appearing for the parties. There is delay of 2945 days for bringing legal representatives of respondent no.1 on record. For bringing legal representatives of respondent no. 4, there is delay of 638 days.

2. Learned counsel for the applicants refers to that while second appeal had been preferred, applicants had no knowledge about the death of respondent no.1 and about death of respondent no.4 during the pendency of the second appeal. It is only in 2012, the deaths of said respondents came to their knowledge and thereafter, the application immediately came to be filed. It is, under these circumstances, delay has been caused.

3. Learned counsel further refers to that the delay is not intentional nor deliberate. Learned counsel for the respondents is not in a position to challenge the veracity of the submissions by placing any material worth credence.

4. Be that as it may, having regard to the guidelines appearing in reported judgment of apex court in the matter of *Collector, Land Acquisition, Anantnag Vs. Mst. Katiji & Ors.*, reported in AIR 1987 SC 1353, it would be expedient to condone delay with costs, for inconvenience caused to other side.

5. Civil application stands granted in terms of prayer clauses (B) and (C) subject to payment of costs of Rs.2,500/- to each of the respondents.

6. In aggregate, Rs.5,000/- be deposited in this court within a period of six weeks from today.

7. Civil application accordingly stands disposed of.

SUNIL P. DESHMUKH,
JUDGE

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