

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

**CIVIL APPLICATION NO. 11831 OF 2011
IN
CIVIL REVN. APPLICATION STAMP NO. 25410 OF 2011**

Gaus Mohiuddin Gulam Hussain and others ...APPLICANTS

versus

Shrikrishna Devrao Kamble ...RESPONDENT

.....
Mr. A.P. Gaikwad, Advocate holding for
Mr. S.S. Kazi, Advocate for applicants
Mr. M.N. Kamble, Advocate for respondent No. 1.
.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 26th FEBRUARY, 2016.

Order :-

1. Heard learned counsel for the parties.
2. The applicants refer to that revision application could not be preferred in time against order dated 04-10-2010 on Exhibit-42 in regular civil suit no. 133 of 2005, for, applicant No. 2 was indisposed for quite some time. Said contention was supported also by medical certificate of the doctors.
3. Aforesaid apart, the applicants have referred to certain other events under which they could not come to the court within time and as such, delay of 270 days has caused in preferring the revision. Respondent No. 1 has not been able to show as to why reasons put-

forth by applicants should not be relied on.

4. By causing deliberate delay, applicants are not likely to gain any benefits. Further, application for delay condonation requires liberal approach, however, at the same time, inconvenience caused to the other side needs to be taken care of and can be met with by awarding costs. Taking stock of the situation, I deem it expedient that delay be condoned and matter be proceeded with and decided on merits.

5. In the circumstances civil application is allowed in terms of prayer clause "B" subject to deposit of costs of Rs. 2500/- in this court within a period of four weeks from today, to be payable to respondent No. 1. On deposit of costs, respondent No. 1 would be entitled to withdraw the same.

6. Civil application, as such, stands disposed of accordingly.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK