

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

CIVIL APPLICATION NO. 16295 OF 2015
IN
SECOND APPEAL [STAMP] NO. 27890 OF 2015

Kamalbai Namdeo Kisve	.. Applicants
vs	
Rafika Suraj Sayyad	.. Respondent

Mr. Mr. N.L. Jadhav, Advocate for applicants
Mr. A.A. Khan, advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.
26TH FEBRUARY, 2016

ORDER:

1. Heard learned counsel for the parties.
2. Learned counsel for the applicant refers to that the judgment was given in March, 2015, but due to paucity of funds and drought condition, applicant could not muster funds to make early approach to the court. In June-July, 2015 also the situation did not improve, however, ultimately she borrowed certain amount and has approached this court.
3. These aspects are not much disputed by respondent. Though it is her contention that there has been purposeful delay, she has

not been able to explain such purpose. It is to be taken into account that the litigant generally does not stand to benefit from delay. The decree passed by trial court has been confirmed by the appellate court. In the circumstances, the applicant is hardly going to get any benefit by delayed approach.

4. Under the circumstances, I deem it appropriate to condone the delay.

5. Civil application accordingly stands granted in terms of prayer clause (B) and disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd