

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.13410 OF 2015
WITH
CIVIL APPLICATION NO.13411 OF 2015
WITH
CIVIL APPLICATION NO.13474 OF 2015
IN
SECOND APPEAL NO.316 OF 2000

Arjun Gangaram Barinde and Others

APPLICANTS

VERSUS

Vikram Shamrao Mane

RESPONDENT

.....

Mr. Narsing B. Jadhav, Advocate for the applicants

Mr. P. P. More, Advocate for respondent

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 7th OCTOBER, 2016

ORDER :

1. Heard learned advocates for the parties
2. It appears that the deceased alone had been prosecuting the proceedings and in the circumstances, applicant No.1, who is a housewife, wife of deceased applicant and their children, who were then of tender age, were not aware of the proceedings and for quite some time even after the abatement order. They came to know about proceedings around July, 2015 and thereafter,

application has been filed as such, the delay has been caused.

3. Learned advocate for the respondent contends that the suit was for injunction, which was dismissed, appeal therefrom was also dismissed and it is intriguing as to how the same came to notice around July, 2015. He, therefore, suspects correctness of the reasons being put forth seeking condonation of delay.

4. Be that as it may, the second appeal was admitted and veracity of reasons is not being opposed with reference to any credible material. In the interest of justice delay is condoned. Abatement is set aside. Second appeal is restored to its original position. Legal heirs of applicant are brought on record. Civil applications stand allowed and are disposed of. It is expected that the second appeal would be prosecuted expeditiously.

[SUNIL P. DESHMUKH, J.]