

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.2 OF 2016
IN
WRIT PETITION NO.1917 OF 1993

HARI SHANKAR WANI, DIED
THROUGH LR'S AND OTHERS
VERSUS

APPLICANTS

TUKARAM MOTIRAM PATIL
AND ANOTHER

RESPONDENTS

Ms.Sayali Nyayadhish h/f Mrs.C.S.Deshmukh, Advocate for the
applicants.
Mr.G.V.Wani, Advocate for respondent No.1.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 04/01/2016

PER COURT :

1. The applicants claim to be the LR's of the deceased sole petitioner Harishankar Wani. By this application, the applicants pray for condonation of delay of 1133 days in filing this civil application for enabling the applicants to be brought on record as the LR's of the sole petitioner. It is submitted by the learned Advocate for the applicants that since the petition was pending final hearing, the passing away of the petitioner on 18/06/2012 was not brought to the notice of the learned Advocate representing the deceased petitioner. The delay is neither deliberate nor inordinate.

2. Mr.Wani, learned Advocate for the respondents has opposed the application on the ground that the reasons cited are not satisfactory.

In the alternative, he submits that if the application is allowed, costs may be imposed and the said costs be donated to the Advocate Associations' Bar Library, High Court, Aurangabad.

3. I have considered the submissions of the learned Advocates. Writ Petition No.1917/1993 is pending final hearing for almost 22 years. The deceased petitioner has passed away on 18/06/2012. No harm or loss would be caused to the respondents if this application is allowed.

4. As such, this application is allowed. Delay of 1133 days is condoned subject to costs of Rs.1,500/- to be deposited with the Advocate Associations' Bar Library, High Court, Aurangabad within 3 (three) weeks from today. After costs are deposited, the applicants shall take steps so as to be brought on record in the petition within a period of 2 (two) weeks thereafter.

5. In the event of non-compliance of this order, the same shall stand recalled, the civil application shall stand rejected and Writ Petition No.1917/1993 shall stand abated.

(RAVINDRA V. GHUGE, J.)