

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

CIVIL APPLICATION NO. 14257 OF 2015
IN
SECOND APPEAL NO. 386 OF 2012

Shivaji s/o Niloba Warekar, deceased,
through legal representatives :-

1A Nilawati wd/o Shivaji Warekar and ors. .. Applicants

versus

Ramprasad Govind Mahavarkar and ors. .. Respondents

Mr. S.Y. Patil, Advocate h/f Mr. B.N. Patil, Advocate for applicants
Mr. M.S. Deshpande, Advocate h/f Mr. C.R. Deshpande, advocate
for respondent no.1

CORAM : SUNIL P. DESHMUKH, J.
10TH FEBRUARY, 2016

ORDER:

1. Heard learned counsel for the parties.
2. Learned counsel for the applicants points out that the matter was being prosecuted by the deceased about which the applicants were not aware. Upon getting knowledge, immediately steps were taken and application has been filed and as such there can hardly be said to be any delay, however, even if there is some delay, the same has not been deliberate or intentional.

3. He further submits that it may be taken into account that no benefit is gained by applicants from the delay and as such requests for condonation of delay.

4. On the other hand, Mr. Deshpande, learned counsel for respondent no. 1 states that delay cannot be said to have been properly explained, however, he has not been able to challenge veracity of the contents of the application as also submissions advanced by applicants before this court.

5. As such, I deem it appropriate and expedient to condone the delay.

6. civil application as such stands allowed in terms of prayer clauses (D), (C) and (B) and disposed of.

SUNIL P. DESHMUKH, J.

pnd