

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 16369 OF 2015
IN
CIVIL APPLICATION NO. 3585 OF 2015
IN
SECOND APPEAL STAMP NO.7223 OF 2015

Hamid @ Hanifsab Sultansab Pinjari

APPLICANT

VERSUS

Sarjabai Dhondiba Auti & others

RESPONDENTS

.....

Mr. U. B. Deshmukh, Advocate for the applicant

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 22nd JANUARY, 2016

ORDER :

1. Learned advocate for the applicant submits that notice of this civil application has been served on the legal heirs of deceased respondent No.7. He further states that while the application for condonation of delay in Regular Civil Appeal was being prosecuted, it had never been brought to the notice of the applicant that respondent No.7 was no more and the matter was accordingly got prosecuted before the lower appellate court. While notice of the second appeal was issued to the respondents, it surfaced that respondent No.7 is no more. Under the

circumstances, delay has been caused which is neither intentional nor deliberate nor any benefit is derived by the applicant by causing such a delay and the same has been caused on account of aforesaid genuine circumstances.

2. Aforesaid submissions go uncontroverted as concerned respondents despite service have not put in appearance in the matter. Having regard to that, approach generally for applications for condonation of delay has to be liberal, I deem it that condonation of delay in the present matter would sub-serve the cause of justice.

3. Civil application accordingly stands allowed in terms of prayer clauses "B" and "C" and stands disposed of.

[SUNIL P. DESHMUKH, J.]