

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 94 OF 2015
IN
CRIMINAL APPLICATION NO. 252 OF 2014

Ashok Ambadas Pawar
Since deceased through L R
Prasad Ashok Pawar

... Applicant

vs.

Shriram Chaturbhuji Parik & Anr.

... Respondents

Mr. Tushar N. Sonawane, for the Applicant.

Ms. N.W.Bakshi for respondent No.1.

Mr. S.S.Pednekar, APP for State.

CORAM : SMT. SADHANA S. JADHAV, J

DATE : 22nd April, 2016.

P.C.:

1 The learned counsel Ms. Bakshi submits that she is in receipt of oral instructions to appear for the respondent No.1 and seeks time. Time as prayed for is granted.

2 This is an application seeking condonation of delay in filing an application to bring the legal heirs on record of the original applicant, who had filed an application seeking leave to appeal, has expired on 23.6.2014 after he had verified the application on

10.6.2014. There is a delay of 124 days in filing the application seeking permission to bring the legal heirs on record. The application was filed on 21.1.2015. Notices were issued on 19.8.2015. Pursuant to the notice, the respondent has appeared.

3 Learned counsel for the respondent has vehemently objected the condonation of delay application and submits that the applicant has not assigned satisfactory reasons for condoning the delay as, according to her, the applicant who desires to prosecute this application after the demise of his father, was accompanying his father in the trial Court as well and was fully aware about the proceedings before the trial Court.

4 Taking into consideration the fact that the original applicant had died only after his verification was recorded, the application seeking condonation of delay of 124 days deserves to be allowed in the interest of justice, upon payment of cost of Rs.200/- (Rupees two hundred only) to the respondent. The cost be deposited in this Court within two weeks from today.

5 The application is allowed. The delay of 124 days is
condoned in the interest of justice. Application stands disposed of.

(SMT. SADHANA S. JADHAV, J)