

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

389 CIVIL APPLICATION NO. 9280 OF 2016
IN FAST/12570/2016

GOPAL HARIBA KANDALE DIED LRS FULCHAND GOPAL KANDALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Pawar Balasaheb K.
AGP for Respondents: Mr. S.P. Sonpawale
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CORAM : V. K. JADHAV, J.
DATED : 18th APRIL, 2017

PER COURT:-

1. Heard learned counsel for the applicant. After the Reference Court has decided the reference, the original claimant died and legal heirs of the original claimant preferred appeal when they got knowledge about the decision rendered by the Reference Court.

2. On perusal of record, it appears that the Reference Court has disposed of Reference Petition way back in the year 1991. The original claimant died in the year 1999. It is thus difficult to accept that for 8 years, the original claimant had not disclosed about the judgment passed by the Reference Court to his legal heirs. The delay is inordinate one i.e. for 27 years and 18 days and the same is not explained satisfactorily. Hence, civil application seeking condonation of delay is rejected. Refund of court fees as per Rule.

(V. K. JADHAV, J.)

rlj/