

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

279 CIVIL APPLICATION NO. 8526 OF 2015
IN FAST/17485/2015

YESHWANTRAO NAGORAO PATIL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sontakke Gajanan K
AGP for Respondents: Mr. C.V. Dharurkar
.....

CORAM : V. K. JADHAV, J.
DATED : 18th APRIL, 2017

PER COURT:-

1. Learned counsel for the applicant submits that the applicant was suffering from paralysis and therefore, appeal could to be preferred within limitation.

2. It is the case of the applicant that he is suffering from hypertension alongwith left hemipensis and since July, 2003 he is bedridden and under treatment. It has also been contended in the application that son of the applicant, for the first time, applied for certified copies on 16.4.2015 and the copies were delivered on 17.4.2015. The Reference Court has disposed of the L.A.R. filed by the applicant on 8.10.2002. The medical papers submitted alongwith the application indicate that the tests mostly conducted in the year 2002. It is not clear as to what prevented the applicant or his

son to apply for certified copies from the year 2002 to 2015. I do not find any substance in the submission that the applicant was prevented due to his illness from preferring appeal within limitation. There is inordinate delay of more than 12 years in preferring the appeal. In my opinion, delay is not explained satisfactorily. Civil application for condonation of delay is hereby rejected. Refund of court fees as per Rules.

(V. K. JADHAV, J.)

rlj/