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

**CIVIL APPLICATION NO.14293 OF 2013
WITH
CIVIL APPLICATION NO.2114 OF 2016
IN/WITH
SECOND APPEAL (ST) NO.31191 OF 2013**

Mohansingh s/o Darbarasingh
Madadgar (since deceased)
Died on 21.03.2013 through his
Heirs & legal representatives)

1. Harjeetkaur w/o Mohansingh
Madadgar, Age: 62 years,
Occ: Household,
2. Balvindarsingh s/o Mohansingh
Madadgar, Age: 39 years,
Occ: Business,

Both R/o. Gurudwara Gate No.2,
Nanded, Dist. Nanded.

..APPLICANTS

VERSUS

1. Mahendrasingh s/o Ramsingh,
Age: 55 years, Occ: Business,
2. Raghuveersingh s/o Ramsingh,
Age: 50 years, Occ: Business,
3. Basantsingh s/o Ramsingh,
Age: 48 years, Occ: Business,
4. Ramsingh @ Babusingh s/o
Khushalsingh, Age: 70 years,
Occ: Business,

All R/o. Gurudwara Gate No.2,
Nanded, Dist. Nanded.

..RESPONDENTS

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Mr M.D. Godhamgaonkar, Advocate for applicants;
Mr V.S. Kadam, Advocate for respondents

CORAM : NITIN W. SAMBRE, J.

DATE : 5th OCTOBER, 2017

ORAL ORDER :

Heard Mr. Godhamgaonkar, learned Counsel
for the applicants-original plaintiffs.

2. There is delay of 4353 days in preferring second appeal. Learned Counsel for the applicants - original plaintiffs submits that the delay is caused because of unavoidable circumstances. According to him, father of present applicants died on 21st March, 2013 because of advanced age and certain ailments in relation thereto.

3. The aforesaid shock and fact that they were required to spent time in attending their father has resulted into delay about more than 12 years.

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4. It is also sought to be canvassed that the appellants-applicants i.e. legal heirs of original plaintiff were not knowing about present proceedings.

5. It is required to be noted that original plaintiff Mohansingh died on 21st March, 2013 at Nanded. Applicant No.1A Harjeetkaur is widow of Mohansingh and applicant No.1B Balvindarsingh is son of Mohansingh. It is difficult to accept the contention of the learned Counsel of the applicants that both the applicants were not within the knowledge about the proceedings being initiated by original plaintiff Mohansingh.

6. Delay of about 12 years. But for reason of death of original plaintiff because of advanced age, absence of knowledge of proceedings, no convincing reason is coming forth so as to demonstrate that delay caused is bonafide.

7. The respondents have strenuously opposed

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the application.

8. In view of above, I hardly notice any reasonable cause or bonafide reason for allowing the application for condonation of delay. The application for condonation of delay, as such, stands rejected. As a consequence of above, the appeal also stands rejected. Pending civil application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)

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