

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

373 CIVIL APPLICATION NO. 8020 OF 2016
IN FAST/24894/2015 WITH CA/8021/2016 IN FAST/24894/2015

APPASAHEB RAMCHANDRARAO RAJE NIMBELKAR DIED THR LRS
PRADEEP AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Ingale Vivekanand V.
AGP for Respondents: Mr. B.A. Shinde
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CORAM : V. K. JADHAV, J.
DATED : 18th APRIL, 2017

PER COURT:-

1. Learned counsel for the applicant submits that after the Reference Court has decided the reference, the original claimant died on 23.5.1991 and legal heirs of the original claimant were residing separately. The legal heirs came to know about disposal of the reference petition belatedly and as such the delay is occurred in filing the appeal.

2. On perusal of record, it appears that the Reference Court has disposed of Reference Petition by common order in the year 1990 and original claimant died in the year 1991. The legal heirs have approached this Court 15 years after disposal of the reference petition by the Reference Court. The delay is inordinate one i.e. for 24 years and 07 months 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.)