

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1227 OF 2012
IN
FIRST APPEAL st. No. 23313 OF 2011

Laxman Shankar Gangurde,
Since deceased through legal
heirs and representatives ..Applicants.

Versus

The State of Maharashtra and Others. ..Respondents.

Mr. P. N. Joshi for the Applicant.

Coram : RANJIT MORE, J.

Date : **April 28, 2017.**

P. C. :

1. This civil application is filed for condonation of 595 days delay occurred in filing above appeal. By the order dated 11th April 2012, this Court granted rule on the application and made it returnable after six weeks. Respondent No. 1 is served. However, none appears on its behalf. The record shows that Respondent No. 2 is not served. Even in the reference Court, the Government pleader appeared on behalf of Respondent No. 2. But today nobody is present on behalf of Respondent No. 2 nor they have filed any affidavit-in-reply opposing the application. In that view of the matter, it is deemed that the Respondents have accepted the averments made in the application.

2. In similar facts and circumstances, this Court [Coram : S. C. Gupte, J.] by the order dated 17th April 2017

passed in Civil application No. 1233 of 2012 has condoned the delay occurred in filing First Appeal (St.) No.23304 of 2011. That apart, I have gone through the averments made in the application. In paragraph 2, the Applicant has stated that he is residing in remote area in village and he was not aware about the impugned judgment and decree and therefore could not approach this Court. In the absence of rebuttal to these averments, as stated above, by filing reply, I find the same to be satisfactory.

3. In above circumstances, civil application is allowed in terms of prayer clause (a). Delay of 595 days occurred in filing appeal is hereby condoned. Registry to number the appeal and place for admission on 1st July 2017.

4. Civil Application stands disposed of.

[RANJIT MORE, J.]