

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2200 OF 2011
(Shaikh Saleem Shaikh Nabi and others Vs. Marathwada Wakf Board
and another)

IN
CIVIL REVISION APPLICATION STAMP NO.120 OF 2011

Mr.Anuj Fulfagar h/f Mr.P.R.Katneshwarkar, Advocate for the
applicants.

Mr.Qureshi Shaikhlal Abdul Gafar, Advocate for respondent No.2.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 03/08/2018

PER COURT :

1. Leave to correct the name of respondent No.2. Correction be carried out forthwith. The applicants in this matter pray for condonation of delay of 98 days caused in filing the civil revision application.

2. Learned Advocate for the applicants submits by placing reliance upon the judgments of the Hon'ble Apex Court that these applicants would be rendered remediless and the doors of the Court would be closed on them.

3. Learned Advocate appearing on behalf of respondent No.2

submits that though the delay may not appear to be inordinate, the applicants have filed the civil revision application in collusion with the Wakf Board only to defeat the rights of non applicant No.2. They desire to continue the litigation in collusion against non-applicant No.2. They have deliberately caused the delay to harass him and hence the application may be rejected.

4. I find that the law on condonation of delay is now crystallized by the view taken by the Hon'ble Apex Court in the matter of Collector, Land Acquisition Anantnag and another Vs. Mst. Katiji and others [(1987) 2 SCC 107] and in the matter of Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others [2013(12) SCC 649]. In the instant case, the delay neither appears to be deliberate, nor inordinate.

5. In view of the above, this civil application is allowed and the civil revision application shall be registered subject to removal of all office objections on or before 24/08/2018. List the civil revision application for admission subject to the above on 29/08/2018.

6. Since I am inclined to impose costs of Rs.1,000/- for the delay of 98 days, learned Advocate for respondent No.2 prays for receiving

the costs. As such, the costs would be deposited in this Court on or before 24/08/2018 and respondent No.2 will be at liberty to withdraw the said amount.

(Ravindra V.Ghuge, J.)

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