

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14451 OF 2017
IN
CIVIL APPLICATION NO. 645 OF 2012
IN
SECOND APPEAL STAMP NO. 26652 OF 2009

KHATRYA KESHA TADVI AND OTHERS
VERSUS
RADTYA VESLYA TADVI (DIED)
THROUGH LRS DHANYA RADTYA TADVI AND OTHERS

Advocate for Applicants : Shri Aditya Sikchi
h/f. Shri M.S. Kulkarni.
Advocate for Respondent Nos. 1-A to 1-E : Shri P.N. Kutti.
Advocate for Respondent No. 2 : Shri S.A. Kulkarni
h/f. Shri C.R. Deshpande.

CORAM : RAVINDRA V. GHUGE, J.
DATED : 09th February, 2018

PER COURT :

1. By this application, the applicants pray for condonation of delay of 2351 days caused in filing this application for bringing the LRs of deceased/respondent No. 1 on record in the Second Appeal.
2. Contention is that the applicants are tribals and come from a remote region. They are illiterate and are away from the Society.

Since, they did not have the knowledge of the concept of bringing LRs on record when the litigant passes away, the delay has been caused. The Second Appeal is pending before this Court and is not yet registered. The suit property is agricultural land and an irreparable harm would be caused to these applicants, if the delay is not condoned.

3. Learned advocate for the respondent has opposed this application contending that the delay is deliberate and enormous. Reasons cited are not satisfactory and convincing. Negligence is the cause for not filing the Civil Application within limitation. In the alternative, it is submitted that heavy costs be imposed and the amount be donated to the Advocates' Bar Association of Bombay High Court, Bench at Aurangabad.

4. Having considered the submissions of the learned advocate as are recorded above and the reasons set out in the application, the Civil Application is allowed, since the suit property is an agricultural land and an irreparable harm would be caused if the application is to be rejected. The delay of 2351 days is condoned by imposing total

cost of total Rs. 10,000/- which would be deposited with the Advocates' Bar Association of Bombay High Court, Bench at Aurangabad, on/or before 09/03/2018. After the costs are deposited, the LRs of deceased/respondent No. 1 shall be brought on record in the Second Appeal.

5. Needless to state, if the costs are not deposited, this application shall stand rejected and the Second Appeal shall stand abated as against deceased/respondent No. 1.

(RAVINDRA V. GHUGE, J.)

S.P.C.