

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

**CIVIL APPLICATION NO.1264 OF 2019
IN
LATTERS PATENT APPEAL NO.323 OF 2010
IN
WRIT PETITION NO.4035 OF 2009**

Suresh Tulshiram Patil,
deceased through his LRs.

..Applicants

Vs.

The State of Maharashtra
and ors.

..Respondents

Mr. D.S.Bagul, Advocate for applicants

Mr. A.S.Shinde, AGP for respondent nos.1 to 4

Mr. Hemant Surve, Advocate for respondent nos.5 to 10H

**CORAM : SUNIL P. DESHMUKH
AND
R.G. AVACHAT, JJ.
DATE : APRIL 05, 2019**

PER COURT

Heard learned advocates for the appearing parties.

2. Learned advocate for the applicants refers to the reasons contained in paragraphs No. 4, 5 and 6 of the civil applications and requests to condone the delay.

Heard learned Counsel for the parties. Perused contentions raised in the application.

3. Learned Counsel for respondents purport to resist the application contending that no specific reasons are given explaining the delay. Though learned Counsel for respondents oppose the application, yet they are not in a position to challenge veracity of the reasons contained in the civil application. However, in view of the decisions of the Hon'ble Supreme Court in the cases of *Collector, Land Acquisition, Anantnag and anr. Vs. Mst. Katiji and ors.*, AIR 1987 SC 1353 and *Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy*, (2013)12 SCC 649, we deem it appropriate to allow the application.

4. Accordingly, Civil Application is allowed in terms of prayer Clauses (B) and (C).

5. List the Letters Patent Appeal on 22.04.2019.

[R.G. AVACHAT, J.]

[SUNIL P. DESHMUKH, J.]

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