

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

936 CIVIL APPLICATION NO.13528 OF 2018
IN FAST/31319/2018
WITH CA/13529/2018 IN FAST/31319/2018

**BABASAHEB APPARAO JADHAVAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

...
Advocate for Applicant : Shri R.K. Jadhavar
AGP for Respondents – State : Shri S.J.Salgare
...

CORAM : P.R.BORA, J.

DATE: 25th January, 2019

PER COURT:-

1 Heard Shri R.K.Jadhavar, learned Counsel for the applicant and Shri S.J.Salgare, learned AGP appearing for the respondent State.

2 Delay of 3135 days has occurred in filing the present appeal by the applicant. It is the contention of the applicant that since the Counsel appointed by him expired and there was no communication about progress in the matter, he could not file the appeal within the stipulated period. The learned Counsel, in the circumstances, has prayed for condoning the delay.

3 Shri S.J.Salgare, learned AGP has opposed for condoning the delay stating that the Reference Application was conducted by the present applicant in person and he had knowledge of disposal of the said matter. The learned AGP further pointed out that Reference Application was filed in the year 1991 and it remained undecided only because of inaction on part of the claimant. He further pointed out that the reasons as are assigned in justification of the delay are insufficient, hence, he prayed for rejecting the application.

4 I have carefully perused contents of application. The delay has not at all been satisfactorily explained. The reasons as are assigned for condoning the delay does not appear to be genuine. The applicant did appear in person in the Reference Application as is revealed from the copy of the Judgment. Thus, the applicant is having knowledge of the decision of the Reference Court dated 11.12.2009. In spite of that, no steps were taken by him to file the appeal for long period of eight and half years.

5 Having regard to the fact that the original application

was filed in the year 1991, there seems no propriety now in entertaining the present application after 27 years. In the result, the following order is passed:-

ORDER

- I) Civil Application No.13528 of 2018 stands dismissed. Consequently, First Appeal on Stamp No.31319 of 2018 is also dismissed.
- II) Pending Civil Application stands disposed of.

(P.R.BORA)
JUDGE

SPT