

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CIVIL APPLICATION NO.13603 OF 2017
IN CRAFT/33929/2017

NOOR KHAN MUNAWWAR KHAN
VERSUS
CITY AND INDUSTRIAL DEV. CORPORATION LTD
AURANGABAD THROUGH ITS ADMINISTRATOR

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Advocate for Applicant : Mr. Kasliwal Ajit D.
Advocate for Respondent : Mr. Bajaj Anil S.
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CORAM : V. K. JADHAV, J.
DATE : 17.01.2020

PER COURT :-

1. The learned counsel for the respondent sole submits across the bar the reply to the civil application. The same is taken on record. The copy is already given to the learned counsel for the applicant.

2. Heard both the sides. The learned counsel for the applicant submits that the delay of 481 days caused in filing the Civil Application due to the illness of the daughter of the applicant and also due to the ailment of the applicant himself on account of the aging process.

3. The learned counsel for the respondent has strongly resisted the application. The learned counsel for the respondent submits that though the illness of the daughter has been stated in the application, however, the condition about the ailment and the treatment taken by the daughter pertaining to the year 2016 and this application came to be filed on 11.10.2017 without explaining the further delay.

4. The applicant has placed on record the MRI brain of his daughter Zeba, which annexed to the application. Though the same report is of the year February-2016, however, it has been specifically contended in the application that after receipt of the MRI report, daughter of applicant undergone the surgery and the applicant has to remain with his daughter. It has also contended that the applicant, who is about 60 years of age is not keeping good health and because of the incident occurred with his daughter he has to under go the treatment. In view of the same, it appears that the delay has been caused due to ailment of the daughter so also his own illness. Thus, considering the entire aspect of the case and also for the reasons stated in the application, as discussed above, I am

inclined to condone the delay of 481 days caused in filing the Civil Application.

5. The Civil Application is allowed in terms of prayer clause 'B'.

6. The Civil Application is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-