

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 CIVIL APPLICATION NO.619 OF 2020
IN WP/4762/2015

DAWOODKHAN ABDULLAH KHAN THROUGH LRS
KHURSHID DAWOOD KHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. Shaikh Mujtaba Gulam Mustafa.
AGP for Respondents-State : Mr. A.M.Phule.
...

CORAM : V. K. JADHAV, J.
DATE : 24.01.2020

PER COURT :-

1. Heard both the sides.
2. The learned counsel for the applicant submits that original petitioner died on 05.09.2016 at Swasthya Hospital, Ahmednagar. The learned counsel submits that the wife of the deceased petitioner is a house wife and the sons are doing the labour work. It was only after the death of the father, the applicants came to know about the pendency of the present civil writ petition. The learned counsel submits that the delay is therefore occurred in filing this application.

3. The learned AGP has strongly resisted the application on the ground that the delay is inordinate one and no satisfactory explanation has been tendered.

4. It appears that applicant No.1 is a household lady aged 70 years and the other applicants are labour by occupation. Thus, considering the entire aspect of the case and for the reasons stated in the application and so also the State has not filed any say resisting the application seeking condonation of delay, I am inclined to allow this application. Hence, I proceed to pass the following order :

ORDER

1. Application is allowed in terms of prayer clause 'B' and 'C'.
2. Application is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-