

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.9849 OF 2021
IN WP/2006/2020 WITH CA/9850/2021 IN WP/2006/2020 WITH CA/
9852/2021 IN WP/2006/2020 WITH WP/2006/2020

SURYAKANT VINAYAKRAO PATHAK AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.D.R.Irale Patil, Advocate for the applicants.
Mr.S.R.Yadav, AGP for respondent No.1.

(CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, JJ)

DATE : SEPTEMBER 22, 2021

PER COURT :

1. In all these civil applications, there is a delay of 167 days, 328 days, 352 days respectively and the applicants seek leave to bring on record the LR's of deceased petitioner No.9 Dinkar, deceased petitioner No.5 Surendra and deceased petitioner No.30 Prabhakar respectively.

2. The learned AGP representing the respondent raises a pertinent objection to these applications on the ground that the applicants have not even taken the pains of calculating the delay caused in filing these applications. This shows utter negligence on the part of the applicants.

They should at least calculate the number of days of delay and assign reasons, which would convince the Court that the delay deserves to be condoned.

3. We appreciate the contentions of the learned AGP and we are also of the view that the applicants who come before the Court for seeking condonation of delay with reference to any cause of action, should actually calculate the number of days of delay, even an approximate calculation is acceptable. However, merely by saying "delay if any", would not be appreciable.

4. Mr.Patil, the learned Advocate for the applicants states that he regrets having pleaded that 'delay if any may be condoned'. Henceforth he will take care and he will ensure that the delay is properly calculated and mentioned in the prayer clause. We accept the said solemn statement made by the learned Advocate.

5. Considering the delay caused, as is calculated by the Registry of this Court, and the reasons assigned, we find that the delay is neither inordinate nor deliberate. The LR's of the deceased petitioners do not

gain any advantage by delaying the filing of such applications.

6. As such, these civil applications are allowed and the delay is condoned.

7. The LR's of the deceased petitioners shall be brought on record, on or before 08/10/2021.

8. List the writ petition for admission hearing on 12/10/2021 in the Urgent Category.

9. We grant time to the learned AGP to tender an affidavit in reply on or before 08/10/2021.

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)