

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**1 CIVIL APPLICATION NO.76 OF 2020
IN FA/1265/2016**

BALBHIM SHIVRAM LONDHE (DIED) THR
LRS SHAHAJI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. Deshmukh H. D.
AGP for Respondents No.1 to 3-State : Mr. S. S. Dande
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 21-06-2021

PER COURT :

1. Present application has been filed by the respondent themselves to bring themselves on record. In fact it was the duty of the original appellants-State to bring them on record. It has been submitted on behalf of the applicants that they have filed appeal for the enhancement and they have brought themselves on record in that matter, and it appears that, that order was passed on 09-06-2017, still the appellants had not moved.

2. Further lethargy can be seen, that intimation was also given under Order 22 Rule 10-A of the Code of Civil Procedure in this matter itself by the applicant's Advocate on 10-12-2019, yet there was no independent move by the State. Though the appeal that is filed by the

State Government practically would have abated, but since the applicants are themselves coming, leniency is required to be shown to the State. However, henceforth the State Government should be on guard and take appropriate steps whenever such occasions arises. Application stands allowed, delay of 962 days stands condoned. Application stands disposed of.

3. Learned AGP to carry out the amendment forthwith.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.