

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2513 OF 2017
WITH
CIVIL APPLICATION NO. 2514 OF 2017
IN
FIRST APPEAL (ST) NO. 9395 OF 2017

Mr. Gautam Anand Kamble ...Applicant

Vs.

Dr. Babasaheb Ambedkar

Vidya Niketan Society ...Respondent

.....

None for the Applicant.

Mr. S. S. Redekar i/b. Mr. R. S. Redekar, for the Respondent.

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 20 JULY, 2022

P.C.

. The Applicant and his Advocate remained absent, when the matter is called out. Mr. S. S. Redekar, learned counsel for the Respondent is present.

2. Mr. Redekar, learned counsel for the Respondent has invited my attention to the earlier orders passed by this Court

dated 11 April 2019 and 19 January 2022. He points out that Applicant No.1 died on 30 July 2017 and his legal heir son has been permitted to prosecute this application for condonation of delay. The matter was listed before this Court on 19 January 2022. After hearing the matter for some time, learned counsel for the Applicant seeks time to file additional affidavit for stating the reasons for causing delay particularly, the reason in relation to Applicant No.2 / son who is now prosecuting the application. This Court was pleased to grant three weeks' time to file additional affidavit. Till this date, Applicant No.2 has not filed the affidavit. No steps are taken to prosecute this application. There is delay of 4 years and 46 days in preferring the appeal.

3. In spite of giving sufficient opportunity to the Applicant No.2, he failed to file affidavit regarding reasons for such delay. In these circumstances, there is no propriety to keep this application for condonation of delay of the year 2017 pending. The application stands dismissed for want of prosecution. Resultantly, the Civil Application No.2514/2017 for stay also stands dismissed for want of prosecution. Both the applications are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)