

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.4963 OF 2022
IN SAST/6971/2022**

FAKIRCHAND S/O KHANDUJI TALEKAR DIED THROUGH LRS
VERSUS
BHIKA S/O KHANDU TALEKAR

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Advocate for Applicants : Mr. A.G. Godhamgaonkar

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**CIVIL APPLICATION NO.4974 OF 2022
IN SAST/6987/2022**

FAKIRCHAND S/O KHANDUJI TALEKAR DIED THROUGH LRS.
VERSUS
BHIKA S/O KHANDU TALEKAR AND OTHERS

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Advocate for Applicants : Mr. A.G. Godhamgaonkar

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CORAM : KISHORE. C. SANT, J.

DATE : 02nd NOVEMBER, 2023

PER COURT :

1. Heard learned advocate for applicants.
2. Learned advocate for respondents was absent in the morning session. The matter is called out in the second session. Even in the second session learned advocate for respondents is absent.
3. These applications are filed seeking condonation of delay of 4886 days caused in filing the respective second appeals. It

is stated that, the original plaintiff i.e. husband of applicant No.1 and father of applicant Nos.2 and 3 was seriously ill and was hospitalised since 2004 because of paralysis of highest order. He was in coma since then, till his death. He died in the year 2021. For all this period he was not in a position to move or speak. Therefore, the applicants could not get knowledge about the appeal which was pending before the appellate Court. It is only after respondents on the basis of decree initiated execution proceeding and applicants received notice in that execution proceeding, the applicants got the knowledge about dismissal of appeal against deceased plaintiff.

4. Considering the above position, this Court finds that there is sufficient cause made out to condone the delay. Delay is condoned. Civil applications are allowed. Office to register the Second Appeals. Applications stand disposed off.

(KISHORE. C. SANT, J.)