

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

CIVIL APPLICATION NO. 9235 OF 2022
IN RAST/18706/2020

SONABAI GOVINDA DADHEL
VERSUS
LAXMIKANT BALABHAU BHATLWANDE DIED
LRS. RAMESH RAMDASBHATLWANDE

...
Advocate for Applicant : Mr. V.B. Dhage
Advocate for Respondent No. 3/1 : Mr. Aniket V. Wadwale
h/f. Mr. S.M. Taur

CORAM : R.M. JOSHI, J.

DATE : 19th April, 2023

PER COURT :

1. This application is filed for condonation of delay of 4021 days in preferring application for review of order dated 16.09.2009, passed by this Court in Second Appeal No. 762 of 2008.

2. It is the contention of the applicants that original appellant had sold an area admeasuring from 457/3 66 R and 457/6 49 R. According to the applicants, though the original appellant died on 15th January, 2007, for want of the knowledge of death of the appellant, the Second Appeal proceeded in his absence. Applicants state that only when notice was issued by the Police Station Loha, under Section 149 of Code of Criminal Procedure, disposal of the present appeal came to be known to these applicants.

3. No doubt, there is long delay caused in preferring the application, however, in view of the fact that the present applicants were not party to the appeal, delay needs to be condoned liberally. The contesting respondents though served, have failed to file say to the application which indicates that they have no inclination to oppose the application. Merely, because there is long delay it cannot become sole ground to refuse condonation thereof, more particularly when the delay is satisfactorily explained.

4. Considering the reasons mentioned in the application, the same deserves to be allowed and hence, application is allowed in terms of prayer clause 'a'.

5. Civil Application stands disposed of.

[R.M. JOSHI, J.]