



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 CIVIL APPLICATION NO. 1948 OF 2024
IN CA/2396/2020

SHRIDHAR SHAHAJI GADHEKAR LRS NARMADABAI AND OTHERS

VERSUS

GOVINDSINGH RANGNATHSINGH NAIK AND ANOTHER

Ms.PV. Langhe, Advocate for the applicants.

Mr.R.S. Wani, Advocate for respondent Nos.1 and 2.

CORAM : KISHORE C. SANT, J.

DATED : 05.07.2024

PC :-

01. Heard. This application is filed for condonation of delay of 1834 days in bringing legal representatives of appellant No.2 on record.

02. The application is vehemently opposed by the learned Advocate for respondent - Mr. Wani. He submits that the application is not *bona fide*. The reasons assigned for delay are not sufficient to condone the delay. He relies on various judgment and submits that when a party is not vigilant, the delay need not be condoned. In the present case incorrect statements are made, which does not entitle the applicants to any relief as prayed in the application. The applicants were aware of the pendency of the application and the second appeal, inspite of that no steps were taken immediately. The judgments relied upon are (i) Balwant Singh Vs. Jagdish Singh, (2010) 8 SCC 685, (ii) Basawaraj & Anr. Vs. Special Land Acquisition Officer (2013) 14 SCC 81 (iii) Majji Sannemma @ Sanyasirao Vs. Reddy Sridevi & Ors., C.A. No.7696 of 2021 (Hon'ble Supreme Court) and (iv) Kanta alias Shanti w/o. Subhash

Karkale Vs. Manjulabai alias Kholki w/o. Haribhau Tarare & Anr., C.A. No.19 of 2019 in SA St. No.22803 of 2017 (Nagpur Bench of this Court).

03. However, considering that this application is for condonation of delay in bringing on record the legal heirs of deceased Laxman, this Court finds that it is always discretion of the Court depending on the facts of the case to exercise the discretion while considering the application for condonation of delay. In the present case this Court finds that since the reasons stated are that the learned Advocate who filed the appeal shifted his practice to Mumbai and therefore there was no contact between the applicants and the lawyer. Secondly that from March, 2020 till March/April, 2022, there was Corona pandemic. This Court considers the same to be sufficient grounds to condone the delay and to allow this application by imposing some costs on the applicants. Hence, the following order :-

ORDER

- (i) The application is allowed in terms of prayer clauses (A-1) and (B), subject to deposit of Rs.5000/- (Rupees Five Thousand) in the office of High Court Legal Services Sub-Committee, Aurangabad, within two weeks from today.
- (ii) The applicant to carry out amendment in the appeal and the applications within two weeks from today.

[KISHORE C. SANT, J.]