



919-2023

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (S) NOS. 919 AND 920 OF 2023
IN SECOND APPEAL NO. 306 OF 2007

(Shankar s/o Linganna Gonelwar Vs. State of Maharashtra & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri D.P. Mankar h/f Shri S.V. Sirpurkar, Counsel for the
applicant/appellant.

Ms H.S. Dhande, A.G.P. for respondent nos. 1 and 2/State.
Shri Saumitra Kanetkar, Counsel for LR's of respondent
no.3.

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CORAM : ANIL L. PANSARE, J.
JANUARY 16, 2024.

By the present applications, the applicant/
appellant is seeking to condone delay of 4583 days in
bringing on record the legal representatives of respondent
no.3, who expired on 23/9/2010.

2] The learned Counsel for the appellant
submits that the appeal arises out of the proceedings
before the Tahsildar. The appellant raised an objection
before the Tahsildar that the legal representatives of
respondent no.3 are making an attempt to get on revenue
record their names. The objection was raised on
11/10/2010. The copy of objection is annexed with the
application. Perusal of same indicates that the appellant
has informed the Tahsildar that the matter is pending
before this Court. The learned Counsel for the appellant
submits that the appellant was not aware of legal
consequences of death of respondent no.3 and, therefore,

did not give instructions to the Counsel. Accordingly, the delay has occurred, which is not intentional but bonafide.

3] The learned Counsel for the legal representatives submits that the delay has been not properly explained and if at all the applications are to be allowed, the same be allowed subject to costs.

4] Considering the above status, the applications are allowed as prayed for subject to costs of Rs.5,000/- (rupees five thousand) to be paid to the High Court Legal Services Sub-Committee, Nagpur. Necessary amendment be carried out within five working days and the amended copy be served on the other side.

SECOND APPEAL NO. 306/2007

5] Stand over to 30/1/2024 for final hearing with clear understanding that no more adjournment will be sought and granted.

(ANIL L. PANSARE, J.)

Sumit