

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9723 OF 2019

Rashid Khan Maheboob Khan (Died through ...Petitioners
LRs)

Versus

Abbas Khan Saheb Khan Pathan ...Respondent

.....
Mr. Shaikh F.V. Patel, Advocate for the Petitioners.
.....

CORAM : RAVINDRA V. GHUGE, J.

DATE : 05-08-2019.

PER COURT :

01. The petitioners are the original defendants, who are aggrieved by the decree dated 23.3.2018 delivered by the Trial Court in R.C.S. No. 118/2009. A regular civil appeal alongwith an application for condonation of delay has been filed on 3.9.2018. Excluding the limitation period, the delay is of 93 days. The application is rejected.

02. It is canvassed that because of the summer vacations in May 2018 and the Ramzan month in June 2018, these petitioners, who belong to the Muslim religion, could not prefer the appeal. It is further canvassed that

the delay of 93 days is neither deliberate nor inordinate.

03. I find that this case is covered by the law laid down by the Honourable Apex Court in the matter of **Collector, Land Acquisition, Anantnag and Anr. V/s Master Katiji and Ors., (AIR 1987 Supreme Court, 1353)** and **Esha Bhattacharjee V/s Managing Committee of Raghunathpur Nafar Academy & Ors., (AIR 2013 12 SCC 649).**

04. Issue notice to the sole respondent-plaintiff returnable on 6.9.2019. Humdast granted on request.

05. The parties shall note that since a short issue is involved, the petition would be considered finally at admission stage.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-