

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2717 OF 2015

VASUDEO DHONDU WARE
VERSUS
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY
LTD., DHULE

.....
Advocate for Petitioner : Mr. Mukul S. Kulkarni
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CORAM : V. K. JADHAV, J.

DATED : 22nd SEPTEMBER, 2015

P.C. :-

1. Heard the learned counsel for petitioner.
2. The petitioner/original plaintiff instituted a suit for recovery of amount. The learned Judge of the trial court has decreed the suit. Being aggrieved by the same, the respondent/original defendant has preferred an appeal which is delayed by near about eight months. The learned District Judge-1, Dhule, by the impugned order dated 12.12.2014, has condoned the delay caused in filing the said appeal. The petitioner/original plaintiff has, therefore, filed the present writ petition.
3. The learned counsel for the petitioner, by bringing the attention of this court to paragraph No. 3 of the application for condonation of delay, submits that delay is sought to be condoned on some

administrative grounds which are not relevant.

4. It appears that the petitioner/original plaintiff has instituted a suit for recovery of a huge amount and the suit is decreed with interest at the rate of 8% p.a. from the date of institution of the suit till realization of the amount. The learned District Judge has considered the procedural delay which ultimately resulted into causing delay in filing the appeal. I do not find any reason to interfere in the impugned order passed by the District Judge-1, Dhule. Let there be a decision on merits in the first appeal before the District Judge preferred by the aggrieved party.

5. In view of the above, the writ petition is hereby dismissed. No costs.

(V. K. JADHAV, J.)

aaa/