

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7428 OF 2014
IN CRA Stamp No.18856/2014

DILIP SHANKAR SATHE
VERSUS
MOHAMED KHALID SHAIKH ILLIYAS

...

Advocate for Applicant : Mr. P.S. Pawar
Advocate for respondent : Mr. R.L. Kute.

CORAM : M.T. JOSHI, J.
DATE : 30TH MARCH, 2015.

PER COURT:

1] Heard both sides. The present application is filed for condonation of delay in filing CRA against the judgment passed by the District Judge, in appeal in an eviction proceeding against the present applicant. The present applicant is the tenant while the respondent is the landlord. The landlord sought a decree for eviction on various grounds. Out of those grounds, the decree passed by the trial court for eviction was maintained by the appellate Court on the ground that the present applicant is changing the structure permanently of the suit premises and also converted the use to commercial purposes. Aggrieved by the said judgment in appeal, the appellant has filed the civil revision application. As delay is caused, present application for condonation of delay is filed.

2] Judgment was delivered by the District Judge on 25.7.2013. The present applicant applied for the grant of Certified Copy of the same on

29.7.2013. Copies were received by him on 13th August, 2013. Thereafter, present application is filed on 23.7.2014 alongwith Civil Revision Application.

3] According to the applicant, delay from 8.11.2013 to 23.7.2014 has occurred as the applicant was suffering from High Blood Pressure and Diabetes since last few years. Further, since there is a gap in the spinal cord due to which his travel and other activities were restricted by the Doctor. According to applicant, there was pain in the spinal cord for a couple of month and thereafter, there were Diwali Vacations and hence, delay was caused. Medical certificate is annexed to the application.

4] Respondent opposed the application. It was submitted that false statements are made in the application. In fact, in the execution proceedings i.e. R.D. No. 376 of 2013, present applicant/Judgment Debtor not only appeared personally during the above period in the said execution proceedings but even applications were filed falsely claiming that a Civil Revision Application is already filed in this Court, whereas, the present Civil Revision Application is filed much thereafter.

5] Upon hearing both sides, in my view, the cause shown by the present applicant is proved to be false from the record of the execution proceedings itself, as is filed at Exhibit R-1 by the respondent. Further, the respondent also filed copy of the printed Invitation Card regarding marriage of applicant's daughter on 15.7.2014 i.e. during the delayed period. It would show that the present applicant has even arranged the marriage of his

daughter but did not file Civil Revision Application in this Court.

6] As the reasons put forth by the applicant are proved to be false, no case is made out for condonation of delay. The application is, therefore, dismissed. Consequently, Civil Revision Application also stands disposed of.

[M.T. JOSHI]
JUDGE.

grt/-