

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 771 OF 2015

Mohan Surendra Magdum	..	Petitioner
vs.		
Dr. Ashok Vasant Purohit	..	Respondent

Mr. Surel S. Shah for Petitioner.
Mr. S. R. Page for Respondent.

CORAM : M. S. SONAK, J.
DATE: 25 JUNE 2015

P.C. :-

1] This petition challenges order dated 14 March 2014 made by the Civil Judge, Junior Division, Kolhapur, condoning delay of 24 days in filing application for setting aside of exparte order.

2] The learned counsel for the petitioner submitted that in this case summons was served upon the respondent and the respondent has come up with a false case. Further, the learned counsel for the petitioner submitted that the delay in the present case is of 131 days and not 24 days.

3] Having perused the record and the impugned judgment, it cannot be said that the same is vitiated by perversity or unreasonableness. All that the impugned order has done is to

condone the delay subject to payment of costs of Rs.2,000/-. The contention with regard to service of summons will surely be considered by the Civil Court, when it takes up for consideration the application seeking setting aside of the exparte decree.

4] Accordingly, no case is made out to interfere with the impugned order. This petition is dismissed.

(M. S. SONAK, J.)

Chandka