

IN THE HIGH COURT OF JUDICATURE AT MUMBAI

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.674 OF 2014

IN

CIVIL REVISION APPLICATION NO.1120 OF 2014

(Ambubai Balraj Naral and ors. Vs. Sabale Waghire and Co. thru its Agent Balasaheb A. Jagadale)

Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders	Court's or Judge's orders
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Mr. Priyal G. Sarda for Applicants.
Mr. Anand S. Kulkarni for Respondent.

CORAM : R. G. KETKAR, J.**DATE : 12TH JUNE, 2015****P.C.:**

Heard Mr. Sarda, learned Counsel for applicants and Mr. Kulkarni, learned Counsel for respondent.

2. This is an application for condonation of delay of 132 days in filing the Revision Application.

3. Mr. Sarda submitted that the sale was confirmed in the year 2000 and the respondent applied for possession under Order 21, Rule 95 of the Code of Civil Procedure, 1908 (for short 'C.P.C.') in the year 2007. In view of the Article 134 of the Limitation Act, 1963, respondent has to apply within 1 year from the sale becoming absolute in execution of the decree. He, therefore, submitted that arguable questions are raised in the Civil Revision

Application, and therefore, delay deserves to be condoned.

4. On the other hand, Mr. Kulkarni submitted that though the sale was confirmed in the year 2000, sale certificate was issued in the year 2007, and thereafter, respondent immediately applied for possession under Order 21, Rule 95 C.P.C., and therefore, it cannot be said that the application is time barred.

5. Having regard to the contentions raised by the parties, in my opinion, delay deserves to be condoned and the submissions are required to be dealt with on merits.

6. In view thereof, Civil Application is allowed in terms of prayer clause (c) with no order as to costs. List the Petition for 'admission' on 06.07.2015.

(R. G. KETKAR, J.)

Minal Parab