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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1301 OF 2009

Shri Raghu Nana Malusare and another ... Petitioners

Vs.

Shri Sahadeo Ramaji Korape and another ... Respondents

Mr.Sanjeev P.Kadam, Advocate for Petitioners.

CORAM : R. G. KETKAR, J.
DATE : 24th JUNE, 2015

P.C. :

. Heard Mr.Sanjeev P.Kadam, learned Counsel for the petitioners.

2. By this petition under Article 227 of the Constitution of India, original defendants have challenged the judgment and order dated 31/10/2007 passed by the learned Principal District Judge, Raigad, Alibaug in Misc. Civil Application No. 45 of 2007. By that order, the learned District Judge dismissed the application taken out by the petitioners, hereinafter referred to defendants, for condoning the delay of 8 months and 20 days in filing the appeal.

3. Office remark shows that petition is dismissed against respondent No.2-original plaintiff as per Court's order dated 20/01/2010. Concededly, no steps are taken for recalling order dated 20/01/2010. Perusal of record shows that respondent No.2 is

original plaintiff who had instituted suit for recovery of amount from the petitioners. That suit is decreed on 25/08/2002 before Lok Nayalalay. Aggrieved by that decision, the petitioners preferred appeal and since there was delay in filing the appeal, application for condonation of delay was taken out which was rejected as no steps are taken for recalling order dated 20/01/2010, whereby petition is dismissed against respondent No.2-original plaintiff. No relief can be granted in this petition. Hence, petition is dismissed with no order as to costs.

(R. G. KETKAR, J.)