

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.23 OF 2014
IN
CIVIL REVISION APPLICATION (STAMP) NO.998 OF 2014

Suresh Chand R. Yadav.] ... Applicant

Versus

Asharam M. Jain (Since Deceased)]
Anant Asharam Jain and Anr.] ... Respondents

Mr. Nilesh R. Pandey for Applicant.

Mr. H. S. Shreepadmurthy a/w Mrs. Nandini Joshi & Mr. Abhishek Patil i/b Narsimhan Raja for Respondent No.1.

CORAM :- M. S. SONAK, J.
DATE :- OCTOBER 13, 2015

P. C. :-

1. This Civil Application seeks condonation of delay of one year and 15 days in instituting the Civil Revision Application. The Civil Revision Application impugns Judgment and Order dated 31/08/2012 made by the Appeal Court. After the said Judgment and Order was made, the applicant moved a Marji Application No.871 of 2012 seeking stay on the execution of the eviction decree on the ground that the suit premises had been declared to be a slum area. This application was moved in February 2012 and decided on

22/08/2013. Thereafter, the applicant instituted Writ Petition No.9637 of 2013 questioning the order dated 22/08/2013. The same was permitted to be withdrawn on 17/10/2013 with liberty to file application before the Appeal Court seeking recall of the order dated 31/08/2012. The applicant, upon legal advice, did not file any application before the Appeal Court for recall of the order dated 31/08/2012 but instituted the present Civil Revision Application on 19/12/2013. From this, it does appear that the applicant had taken recourse against the order dated 31/08/2011, though, the recourse may not have been appropriate or before the appropriate forum. This is not a case of lack of diligence nor can it be said that the cause shown is not satisfactory.

2. Therefore, upon consideration of the material on record, the delay is condoned. The Civil Application is made absolute in terms of prayer clause (a) and disposed of as such.

(M. S. SONAK, J.)