

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6676 OF 2015

Devvraj P. Sonigra

.. Petitioner

vs.

Sushila P. Vyas and anr.

.. Respondents

Mr. Rahul S. Kadam for the Petitioner.

CORAM : M. S. SONAK, J.

DATE : 25 AUGUST 2015.

P.C. :-

1] Not on board. Upon production, taken on board.

2] In this case, the respondent No.1, who is incidentally respondent No.1 in Civil Appeal No. 572 of 2013 instituted by the petitioner before the District Court, has filed cross objections. It is the case of the petitioner that such cross objections, though have been taken on record, had been filed three months after the service of notice with regard to filing of the appeal. Accordingly, the petitioner applied to the Appeal Court for taking said cross objections of the record. By the impugned order dated 2 April 2015, such application at Exhibit-20 has been rejected.

3] There is absolutely no jurisdictional error in making of the impugned order. There is ample power to condone the delay, if

any, in filing of cross objections. If, the cross objections have been taken on record and also read, as stated in the impugned order, there is no reason now to take them of the record. The impugned order has promoted substantial justice and therefore, this is not a fit case to exercise extra-ordinary jurisdiction under Article 227 of the Constitution of India.

4] This petition is, accordingly, dismissed.

(M. S. SONAK, J.)

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