

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST.)NO.31977 OF 2014

1.Smt.Sudha Fattesinha Gole & Ors. ... Petitioners
Vs.
1.Smt.Geeta Samaringh Gole & Ors. ... Respondents

Mrs.Jai Kanade i/b. Mr.Sumit S.Kothari, for the Petitioners.

Mr.A.S.Khandeparkar i/b. Mr.Amogh Karandikar, for Respondent Nos.1 to 4.

Mr.Devendranath S.Joshi, for Respondent No.10.

CORAM : G. S. KULKARNI, J.

DATE : 25th FEBRUARY, 2015

P.C. :

1. The office objections in respect of the copies of the documents on page Nos. 102 to 115 are dispensed with. Office to number the Writ Petition.

2. By consent and the request of the learned Counsel for the parties, the Writ Petition is being finally heard.

3. The challenge in the petition is to the order dated 7.11.2014 passed by the learned Joint Civil Judge, Junior Division, Kalyan by which

the application filed by the petitioners seeking condonation of delay in filing their reply to the Miscellaneous Application No.229 of 2010 has been rejected on the ground that the power of attorney of Mr.Nayankumar Bhaurao Gole – the deponent of the application filed on behalf of the petitioners, was not placed on record. Mr.Khandeparkar, learned Counsel for respondent Nos.1 to 4 and Mr.Devendranath S.Joshi, learned Counsel for respondent No.10 have no objection if the application of the petitioners seeking condonation of delay is allowed. Learned Counsel for the petitioners states that the petitioners shall place the power of attorney on record of the Trial Court. Statement is accepted.

4. Accordingly, the application of the petitioners below Exhibit 62 in Regular Civil Suit No.229 of 2010 is allowed and the petitioners are permitted to file their reply / written statement in Miscellaneous Application No.229 of 2010.

5. The petition is disposed of in the aforesaid terms.

(G.S.KULKARNI, J.)