

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

25 WRIT PETITION NO. 12487 OF 2015

BHATULAL MOTILAL RATHOD(DALWALE)
VERSUS
SHALINI SUDHAKAR RANA AND OTHERS

Advocate for Petitioner : Mr. Gujarathi Yatish G.
Advocate for Respondent No.1 :Mr. Gautam Pahilwan

CORAM : R. M. BORDE, J.
Date: March 07, 2016

PER COURT :-

1 The application tendered by the respondent, praying for condonation of delay of 8 years and 10 days occurred in presenting the appeal has been allowed by the District Judge, subject to payment of costs of Rs.10,000/- to the defendant. On perusal of the order, it reveals that Civil Appeal has been presented by the original plaintiff objecting to the decree passed by the trial Court in her favour on the ground of computation of her share. By directing condonation of delay in presenting the appeal, no prejudice is caused to the defendant. The suit was presented by the plaintiff/appellant before the District Court, which came to be decreed partly and aggrieved thereby, appeal has been presented by the original plaintiff. Had the application been turned down, more prejudice would have caused to the plaintiff, who claims entitlement to larger share in the property. The order meets the interests of justice. In exercise of extraordinary jurisdiction under article 227 of the Constitution of India, no interference is called for.

2 The writ petition is devoid of substance and hence stands rejected.

(R. M. BORDE, J.)