

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

911 CIVIL REVISION APPLICATION NO. 288 OF 2013

VIKAS DEVIDAS KULKARNI  
VERSUS  
INDIRABAI DEVIDAS KULKARNI AND OTHERS

...

Advocate for applicant : Mr. Patil Vijay Y.  
Advocate for Respondents 2 to 7, 9 to 15, 17A-1 to 17-A-  
4 and 20 : Mr. S. R. Dheple

**CORAM : K. L. WADANE, J**

**DATE : 12th April, 2016**

**PER COURT :**

1. Heard Mr. Patil, learned counsel for the applicant and Mr. Dheple, learned counsel appearing for the respondents.

2. Leave to correct the prayer clauses.

3. The application for condonation of delay caused in filing restoration application was rejected by the learned Civil Judge, Junior Division, Jamner holding that the ground stated in the application for condonation of delay are not reasonable and not supported with documents.

4. It is well settled principle of law that while dealing with an application for condonation of delay, the Court shall not take hyper technical view. At the same time, the delay caused in any proceeding has to be

reasonably explained.

5. Considering the above settled principles of law, I am of the opinion that the delay caused in filing the restoration application can be condoned as, there is some evidence on record to show that the applicant was ill and was taking medical treatment for some time. Furthermore, it appears that the litigation between the parties appears to be in regard with the immovable property.

6. Considering above reasons, the revision application is allowed.

7. The impugned order dated 24.10.2013 passed below Exhibit-1 in Misc. Civil Application No.01/2011 is hereby quashed and set aside.

8. The delay caused in filing restoration application is hereby condoned subject to cost of Rs.3,000/- to be paid to the respondents within 4 weeks.

9. Civil revision application is accordingly disposed of.

( K. L. WADANE, J. )

JPC