

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6248 OF 2012**

Shekhar R. Hegde & Ors.

..Petitioners

Vs.

Balkrishna Dagodba Ganjve & Ors.

..Respondents

Mr. R. S. Datar for the Petitioners

Ms Lalita Panchakshari for the Respondent No.1

CORAM : R. M. SAVANT, J.

DATE : 29th FEBRUARY, 2016

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 23-4-2012 passed by the Learned District Judge – 17, Pune, by which order the delay in filing the Appeal was not condoned and the application being M.A. No.304 of 2007 came to be rejected.

2 The rejection is principally on the ground that the case that the Applicant was ailing and indisposed has not been substantiated by any documentary evidence. The rejection is also on the ground that the Doctor of the Applicant has not been examined. In an identical situation involving the Petitioner abovenamed and in respect of the another landlord who is the brother of the present Respondent, a Learned Single Judge of this court has allowed the said Writ Petition No.6247 of 2012 and has set aside the order impugned in the said Writ Petition which was also dated 23-4-2012.

3 The Learned Counsel Ms Panchakshari submits of the order of the Court. The Writ Petition is accordingly allowed, resultantly the impugned order would stand set aside. The application being M.A. No.304 of 2007 would stand allowed, the delay of 37 days in filing th Appeal is condoned. The Appeal to be heard on merits by the Lower Appellate Court.

4 With the aforesaid directions, the Writ Petition is disposed of.

[R.M.SAVANT, J]