

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.430 OF 2015
IN
CIVIL REVISION APPLICATION (ST) NO.21357 OF 2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Satyajeet A. Rajeshirke for the applicant

Mr.S.T.Bhosale i/b Mr.Dilip Bodke for the respondent

CORAM : K. K. TATED, J.
DATE : JUNE 7, 2016

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 This application is for condonation of 181 days delay in filing Civil Revision Application.
- 3 The learned counsel for the applicant submits that initially they filed Second Appeal No.274 of 2015 challenging the impugned judgment and decree passed by appellate court.
- 4 This court by order dated 18.4.2015 allowed the applicant to withdraw the Second Appeal with liberty to file Civil Revision Application. Hence, there is a delay in filing the present proceeding. He

submits that in the interest of Justice this Hon'ble Court be pleased to condone the delay in filing the Civil Revision Application. He submits that if delay is not condoned, irreparable loss will be caused to the applicant. He submits that applicant has good chance of success in the present proceeding.

5 On the other hand the learned counsel for the respondent vehemently opposed the present Civil Application. Respondent filed their Affidavit-in-Reply dated 9.3.2016. Advocate for the respondent submits that applicant has not shown sufficient cause for condonation of 181 days delay in filing the Civil Revision Application. Hence, there is no substance in the present Civil Application and same be dismissed with costs.

6 I have heard both the sides at length. I have perused the Affidavit-in-Reply filed by the respondent. It is to be noted that in the present proceeding, the impugned judgment and decree passed by District Court on 16.10.2014. Applicant applied for certified copies on 4.11.2014. Same was ready on 27.11.2014 and collected on the same day. Thereafter, the applicant filed the Second Appeal No.274 of 2015 within limitation. As Second Appeal was not maintainable, this court by order dated 18.4.2015 permitted the applicant to withdraw Second Appeal with liberty to file Civil

Revision Application. Hence, there is a delay on the part of the applicant to file the present Civil Revision Application. This itself shows that applicant has shown sufficient cause for allowing the present Civil Application. Hence, following order is passed:

A) Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) This Hon'ble Court may be pleased to condone the delay of 181 days in filing Civil Revision Application.”

B) Liberty granted to the applicant to take out appropriate proceeding for remaining prayers and that will be decided on its own merits.

C) Civil application stands disposed of accordingly.

JUDGE