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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

WRIT PETITION NO. 11026 OF 2015

Mr. Vilas Bajirao Savant.

... Petitioner.

V/s.

Mrs. Surekha Mahadeo Jagtap & Ors.

... Respondents.

Mr. Sandeep Mahadik i/b. P.J. Pawar for the Petitioner.

CORAM : N.M. Jamdar, J.

31 August, 2016.

Oral Order :-

The Petitioner challenges the order passed by the Civil Judge, Junior Division, Wai dated 26 February 2015 restoring the Suit which was dismissed for default subject to payment of cost.

2. Heard the learned Counsel for the Petitioner.

3. The Suit was initially filed in the Court of Satara which was transferred to Court at Wai. The Respondents, in the application for restoration had given a reason that in view of the transfer it took some time to engage a new Advocate. There was strike of the Advocates and there were other domestic problems.

Considering the factum of the strike of the Advocates, the learned Civil Judge took lenient view and restored the Suit by imposing cost. This positive use of discretion cannot be termed as perverse so as to warrant interference under Article 227 of the Constitution. The Writ Petition is accordingly rejected.

(N.M. Jamdar, J.)