

Sequeira

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

CIVIL REVISION APPLICATION NO. 63 OF 2016

Shri Ravindra Ramrao Dubal

.. Applicant

Vs

Nathu Bapu Ingawale & ors.

.. Respondents

Mr.Dilip Bodake, for the Applicant.

***CORAM : N.M.Jamdar, J.
Tuesday, 18 October 2016.***

P.C. :

The Applicant is challenging the order by the learned District Judge Karad, dated 19 September 2015, allowing the application for condonation of delay filed by Respondents upon payment of costs.

2. The learned counsel for the Applicant submitted that no sufficient reason was given by Respondents and has not placed on record the period during which the family member was bedridden who was stated to have expired. He submitted that the bonafides of Respondents should be seen.

3. The delay in filing the substantive first appeal is of one year and nine months. The order passed by the learned District Judge Karad, is a discretionary order. It is not in dispute that there were three deaths in the family of Respondents. The learned District Judge has taken note of this calamity in the family of Respondents and has

taken a lenient view upon imposition of costs. It is not possible to re-appreciate the evidence that was led and to analyse each and every date on which these family members were bedridden so as to reverse the exercise of discretion by the learned District Judge. As long as the factum of three deaths in the family is not in dispute, I do not find any reasons to interfere with the discretionary order passed by the learned District Judge Karad. The Revision Application is accordingly rejected.

(N.M.Jamdar, J.)