

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.10022 OF 2016

Shivaji s/o Anna Jawalekar

Petitioner

Versus

Satish s/o Satyanarayan Somani & others

Respondents

Mr.B.S.Chondhekar, advocate for the petitioner

CORAM : S.B.SHUKRE, J.

DATE : 23rd January, 2017

PER COURT:

1 Heard learned Counsel for the petitioner. Perused the impugned order.

2 Learned Counsel for the petitioner submits that the impugned order is contradictory as on one hand, there is an observation that delay is not properly explained, and on the other hand, delay has been condoned in the interest of justice.

3 Close perusal of the impugned order does show contradictory observations, but overall reading of the order leads me to a conclusion that the learned Judge of the Co-operative Court, when he said that the delay was not properly explained, was only referring to that aspect of the medical certificate, which failed to explain or clarify exact period of illness. But the learned Judge has taken into consideration the period from 08.03.2016 to 03.04.2016, during which Respondent No.1 was advised to take rest and this period clashed with the period when the limitation

period was to expire. Considering this aspect of the matter, the learned Judge took a view that there is some explanation for enabling the Court to condone the delay conditionally by imposition of certain costs.

4 The view so taken by the learned Judge cannot be said to perverse or illogical. In the facts and circumstances of case, I do not think that this is a fit case for causing interference in exercise of extraordinary jurisdiction of this Court.

5 Writ Petition stands dismissed with costs.

S.B.SHUKRE
JUDGE

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