

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6808 OF 2017

Smt. Vandana Sadanand Tavate & Ors....

Petitioners

Vs.

Smt. Prayaga Bajarang Tavate & Ors.

Respondents

Mr.Tanaji Mhatugade, for the petitioners.

CORAM: SMT.SADHANA S.JADHAV, J.

DATE : 7th November, 2017.

P.C.

Heard. Rule. Rule made returnable forthwith.

2. The petitioner herein, being aggrieved by the order dated 6.4.2017 passed by the District Judge, Kolhapur, has filed the present Writ Petition. It appears that the petitioner herein happens to be the widow of Sadanand Tavate, whereas the respondent No.1 happens to be the mother of the deceased Sadanand Tavate. The petitioner herein had filed an application for succession certificate for releasing the amount and properties shown in the Column Nos. 3(D) to 3(H) of the plaint. The petitioner had received the succession certificate

3. Being aggrieved by the same, the respondent No.1 had filed Regular Civil Appeal No.421 of 2012 before the District Judge, Kolhapur.

The said appeal was fixed on 16.4.2015 and the respondent No.1 could not remain present on that day and, therefore, the matter was dismissed for want of prosecution. The respondent No.1 had then filed Misc. Civil Application No.184 of 2015 seeking restoration of the said appeal. The learned Court after taking into consideration that the application was allowed and the respondent No.1 had no knowledge about the proceedings could not attend on the stipulated date. The rest of the respondents are also agriculturists. They had demonstrated before the Court the difficulties and the constraints for not remaining present before the Court on the stipulated date and after considering the same, the learned District Judge has allowed the application and directed that the appeal be restored to its original stage subject to costs of Rs.1,000/- by an order dated 6.4.2017.

4. Being aggrieved by the said order, the petitioner has filed the present Writ Petition. On perusal of the impugned order, it is clear that the Court has assigned justifiable reasons for allowing the application seeking restoration and therefore the said order does not call for any interference. Hence, the Writ Petition stands dismissed with no order as to costs. Rule is discharged.

[SMT. SADHANA S.JADHAV, J.]