

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 429 OF 2016
IN
CIVIL REVISION APPLICATION St.NO.15731 OF 2016**

M/s. Ashok Commercial Enterprises & ors	..Applicants
Vs.	
State Bank of India	..Respondent

Mr. Abhishek Sawant i/b Subhash Pradhan & Co. for the Applicants

**CORAM : R. M. SAVANT, J.
DATE : 17th APRIL, 2017**

P.C.

1 The above Civil Application has been filed for condonation of delay of 243 days in filing the above Civil Revision Application. The reasons therefor are mentioned in paragraphs 6 and 7 of the above Civil Application. None appears for the Respondent- State Bank of India though service has been effected and an affidavit of service bearing today's date has been filed. The sum and substance of the reasons mentioned in paragraphs 6 and 7 is that the Applicant No.3 was preoccupied with the cases filed by him under Section 138 of the Negotiable Instruments Act, Company Petitions and Summary Suits and therefore had lost track of the instant matter. It is also the case of the Applicants that the Applicant No.3 is facing severe financial pressure in business on account of the dishonour of cheques which were issued to him by

his borrowers. It is the case of the Applicants that it is in January 2016 that the Applicant No.3 came across the papers and proceedings in respect of the present matter and it is thereafter that the steps were taken by the Applicants to contact their Advocate and file the present Civil Revision Application. In the said process the delay of 243 days in filing the Civil Revision Application has occurred. As indicated above, none appears for the Respondent though served. The said reasons mentioned in paragraphs 6 and 7 can be said to be the plausible reasons for the delay of 243 days which has occurred in filing the above Civil Revision Application. Since the Respondents have not chosen to appear, it would be just and proper to grant an opportunity to the Applicants to prosecute the above Civil Revision Application on merits rather than being thrown out on technicalities. The Civil Application is allowed, resultantly the delay of 243 days in filing the above Civil Revision Application stands condoned. In the facts and circumstances of the case, the Applicants to deposit costs of Rs.3000/- with the Maharashtra Legal Aid Fund within two weeks from date. List the above Civil Revision Application on 15-6-2017. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]