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

WRIT PETITION NO. 4118 OF 2017

Tukaram Salunkhe	...	Petitioner
V/s.		
Tanaji Adhate and ors	...	Respondents

Mr. Vivek V. Salunke, for the Petitioner
none for the Respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 14th DECEMBER, 2017.

P.C. :

1] Heard learned counsel for the petitioner.

2] This writ petition is preferred against the order dated 16.4.2016, passed by Civil Judge Junior Division, Vita, below Civil Misc. Application No.15 of 2008. It is the case of the petitioner that his application for condonation of delay in setting aside the order of dismissal of the suit for default came to be allowed subject to costs of Rs.1500/-. The said order passed on 22.01.2014. The record shows that thereafter from time to time, matter was adjourned for payment of costs though as per said order, costs were to be paid within one month. However, the petitioner failed to pay costs and also remained absent.

2] As can be seen from the impugned order passed by the trial Court, in view thereof the trial Court was constrained to pass order that as sufficient opportunity is given to the petitioner to secure presence of non applicant and the petitioner failed to do so, the application needs to be dismissed.

3] Whatever it may be the fact remains that the petitioner has taken more than 2 years for making payment of costs which were to be paid within one month and that too for allowing application for condonation of delay. Hence considering the attitude and approach of the petitioner to delay the proceedings, no ground is made out for entertaining this petition, therefore it stands dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]