

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CIVIL REVISION APPLICATION NO.49 OF 2017

Shri Ramlal s/o Fulchand Meshram

..VS..

Smt. Taibai wd/o Tukaram Khadse and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri H.I. Kothari, Counsel for the applicant.

CORAM : N.W. SAMBRE, J.

DATED : APRIL 12, 2017.

Heard learned counsel Shri H.I. Kothari for
the applicant at length.

Perused order dated 16.12.2016 condoning
delay in filing appeal against judgment and decree
passed by learned Joint Civil Judge Junior Division,
Kamptee in Regular Civil Suit No.84 of 2014 decreeing
suit in favour of present applicant.

Learned counsel Shri H.I. Kothari for the
applicant was right in pointing out that the reasons are
not germane to the cause of condoning delay and there
was no explanation in support of delay caused.
However, in my opinion, once the Court below has
exercised its discretion in condoning delay of about a
year, no interference on merit is warranted. However,
in my opinion, in the backdrop of cause disclosed in the
application for condonation of delay costs of Rs.2,000/-

.....2/-

(rupees two thousand only) is required to be enhanced to Rs.5,000/- (rupees five thousand only) to be paid by the non-applicants within a period of 6 weeks from the date of receipt of order of this Court. Amount of costs is enhanced without notice to non-applicant original applicant as the order is innocuous.

Learned District Judge, Nagpur is directed to decide appeal, as expeditiously as possible, and in any case preferably within a period of six months from today.

The civil revision application stands disposed of as such.

JUDGE

!! BRW !!