

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**930 WRIT PETITION NO.3348 OF 2018**

Dwarkabai W/o Phulchand Sirsat ... Petitioner.

Versus

Tukaram S/o Shrirang Sirsat ... Respondent.

....

Mr. Avinash R. Puri, Advocate a/w Mr. R.M. Sharma, Advocate  
for the Petitioner.

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**CORAM : V.L. ACHLIYA, J.**

**DATED : 3<sup>rd</sup> APRIL, 2018**

**PER COURT:-**

1. The petitioner has preferred this petition challenging the order dated 11.01.2018 passed by the Joint Civil Judge, Junior Division, Majalgaon, Dist. Beed, whereby the trial Court has rejected the application seeking condonation of delay of more than 11 years in seeking restoration the civil suit filed by the petitioner which was dismissed in default.

2. On due consideration of submissions advanced in the light of the order passed by the trial Court, I am of the view that no case is made out to interfere with the order passed in exercise of writ jurisdiction under Article 227 of the Constitution of India. The order passed by the trial Court is reasoned and based upon

due appreciation of the facts of the case. No justification has been put-forth to explain delay of more than 11 years in seeking restoration of the suit. It is observed that the petitioner was prosecuting other legal proceedings, which include the Special Civil Suit no. 7 of 2005 filed against the respondent in same Court. An appeal was also filed in appellate Court by the petitioner. The trial Court has categorically observed that the explanation as put-forth by the petitioner seeking the condonation of delay is not sufficient. In absence of jurisdictional error or perversity in the order, I am not inclined to entertain the petition.

3. The petition is dismissed.

**( V.L. ACHLIYA )**  
**JUDGE**

SPR