

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13484 OF 2016
(Raosaheb s/o Gopinath Maske and others Vs. Arun s/o Ashruba
Mhaske and others)

IN

CIVIL REVISION APPLICATION STAMP NO.26373 OF 2016

Mr.B.A.Dhengle, Advocate for the applicants.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 03/08/2018

PER COURT :

1. Learned Advocate for the applicants submits that though the delay of 3393 days appears to be an inordinate delay, the fact remains that the judgment in RCS NO.239/2007 dated 18/03/2011 was challenged in Reg.Civil Appeal No.56/2011. The said appeal was preferred on 26/04/2011 which is within 6 weeks from the impugned judgment of the Trial Court. It was by judgment dated 08/06/2016 delivered by the Appellate Court that the appeal has been dismissed only on the ground that it is not maintainable since the impugned judgment is u/s 6 of the Specific Relief Act. As such, the applicant has thereafter filed these proceedings on 18/08/2016. It was on wrong advice that the applicant approached a forum which did not have jurisdiction.

2. Considering the above and keeping in view that the appeal was preferred within 6 weeks before the Appellate Court and these proceedings have been initiated in two months from the date of the order of the Appellate Court, this application is allowed. As none of the respondents have caused their appearance in this matter despite service, the costs amount is being donated in a public cause. As the reasons cited are convincing, the applicants are directed to pay nominal costs of only Rs.1,000/- (Rs. One Thousand only) with the Government Medical College and Hospital, Aurangabad, **through Medical Officer, High Court Dispensary, Aurangabad**, either in cash or by Demand Draft (Demand Draft be drawn in the name of **“Dean, Government Medical College and Hospital, Aurangabad CSR Fund”**), on or before 24/08/2018.

3. The civil revision application shall be registered subject to removal of all office objections and be listed for admission on 29/08/2018.

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(Ravindra V.Ghuge, J.)