

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CIVIL APPLICATION NO.10 OF 2018
WITH
CIVIL APPLICATION NO.140 OF 2018
IN
CIVIL REVISION APPLICATION (ST) NO.34906 OF 2017**

Mr. Bhagwandas Mourya	]	Applicant
Vs.		
Gauri Pannalal Prajapati	]	Respondent

**CIVIL APPLICATION NO.11 OF 2018
IN
CIVIL REVISION APPLICATION (ST) NO.34897 OF 2017**

Rakesh Kedarnath Singh	]	Applicant
Vs.		
Gauri Pannalal Prajapati	]	Respondent

**WITH
CIVIL APPLICATION NO.64 OF 2018
IN
CIVIL REVISION APPLICATION (ST) NO.35768 OF 2017**

Abhinav Narottam Yadav	]	Applicant
Vs.		
Gauri Pannalal Prajapati	]	Respondent

**WITH
CIVIL APPLICATION NO.128 OF 2018
IN
CIVIL REVISION APPLICATION (ST) No.19051 OF 2017
(REJECTED CASE NO.2399 OF 2017)**

Chamela Bakelal Jadav	]	Applicant
Vs.		
Gauri Pannalal Prajapati	]	Respondent

CIVIL APPLICATION NO.484 OF 2017
IN
CIVIL REVISION APPLICATION (ST) NO.24882 OF 2017

Mr. Satyaram Jaiju Yadav	]	Applicant
Vs.		
Gauri Pannalal Prajapati	]	Respondent

CIVIL APPLICATION NO.99 OF 2018
IN
CIVIL REVISION APPLICATION (ST) NO.36548 OF 2017

Rajkumar Ramraj Mishra	]	Applicant
Vs.		
Gauri Pannalal Prajapati	]	Respondent

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Heard Mr. Upadhyay for Applicants in C.A. No.10 of 2018 and C.A. No.140 of 2018 in C.R.A (ST) No.34906 of 2017, C.A. No. 11 of 2018 in CRA (ST) No.34897 of 2018, C.A. No.64 of 2018 in C.R.A (ST) No.35768 of 2017, C.A. No.128 of 2018 in C.R.A (ST) No.19051 of 2017 (Rejected Case No.2399 of 2017) and C.A. No.484 of 2017 in C.R.A (ST) No.24882 of 2017.

Mr. Pandey, learned Counsel for applicant in C.A. No. 99 of 2018 in CRA (ST) No.36548 of 2017.

Mr. D.R. Singh, for respondents in all Civil Applications and Civil Revision Applications.

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CORAM : R.G. KETKAR, J.
DATE : 6TH MARCH, 2018.

P.C.

Heard Mr. Upadhyay, learned Counsel for Applicants in Civil Application No.10 of 2018 and C.A. No. 140 of 2018 in C.R.A (ST) No. 34906 of 2017, Civil Application No.11 of 2018 in C.R.A (ST) No.34897 of 2017, Civil Application No. 64 of 2018 in C.R.A. (ST) No. 35768 of 2017, Civil Application

No.128 of 2018 in C.R.A. (ST) No.19051 of 2017 in (Rejected Case No. 2399 of 2017) and Civil Application No.484 of 2017 in C.R.A (ST) No.24882 of 2017. Mr. Pandey, learned Counsel for the applicant in Civil Application No.99 of 2018 in CRA (ST) No.36548 of 2017 and Mr. Singh, learned Counsel for respondents in all Civil Applications at length.

2. Civil Application No.10 of 2018 is taken out in CRA (ST) No. 34906 of 2017. By Civil Application No.10 of 2018, the defendant has prayed for condoning the delay of 108 days in filing Civil Revision Application. After hearing learned Counsel for the parties and for the reasons stated in C.A. No. 10 of 2018 as also having regard to the shortness of the delay, I am satisfied that the defendant has made out a sufficient cause for condoning delay. C.A. No.10 of 2018 is allowed in terms of prayer clause (a) with no order as to costs. Delay of 108 days caused in filing C.R.A (ST) No.34906 of 2017 is condoned. By Civil Application No.140 of 2018, the defendant has prayed for restoration of the premises in his occupation which according to him was taken by the plaintiff with the help of Local Police Officer of Dahisar Police Station despite order dated 16th January, 2017 passed by this Court in that Civil Revision Application. I will deal with this application along with main C.R.A.

3. C.A. No. 11 of 2018 is taken out by the defendant for condoning delay of 124 days caused in filing C.R.A (ST) No.34897 of 2017. After hearing learned Counsel for the parties and for the reasons stated in C.A. No. 11 of 2018 as also having regard to the shortness of the delay, I am satisfied that the defendant has made out a sufficient cause for condoning delay. C.A. No.11 of 2018 is allowed in terms of prayer clause (a) with no order as to costs. Delay of 124 days caused in filing C.R.A (ST) No.34897 of 2017 is condoned.

4. C.A. No. 64 of 2018 is taken out by the defendant for condoning

delay of 113 days in filing C.R.A (ST) No.35768 of 2017. After hearing learned Counsel for the parties and for the reasons stated in C.A. No. 64 of 2018 as also having regard to the shortness of the delay, I am satisfied that the defendant has made out a sufficient cause for condoning delay. C.A. No.64 of 2018 is allowed in terms of prayer clause (a) with no order as to costs. Delay of 113 days caused in filing C.R.A (ST) No.35768 of 2017 is condoned.

5. C.A. No. 128 of 2017 is taken out by the defendant for setting aside the order dated 9th October, 2017 passed by the In-charge Registrar by condoning delay of 58 days in filing the application, thereby, restoring C.R.A. (ST) No. 19051 of 2017. After hearing learned Counsel for the parties and for the reasons stated in C.A. No.128 of 2017 as also having regard to the shortness of the delay, I am satisfied that the defendant has made out a sufficient cause for condoning delay. C.A. No.128 of 2017 is allowed in terms of prayer clause (a) with no order as to costs. Order dated 9th October, 2017 passed by the In-charge Registrar is set aside. C.R.A (ST) No.19051 of 2017 is restored to file of this Court.

6. C.A. No. 484 of 2017 is taken out by the defendant for condoning delay of 3 days in filing C.R.A (ST) No.24882 of 2017. After hearing learned Counsel for the parties and for the reasons stated in C.A. No.484 of 2017 as also having regard to the shortness of the delay, I am satisfied that the defendant has made out a sufficient cause for condoning delay. C.A. No.484 of 2017 is allowed in terms of prayer clause (a) with no order as to costs. Delay of 3 days caused in filing C.R.A (ST) No.24882 of 2017 is condoned.

7. C.A. No. 99 of 2018 is taken out by the defendant for condoning delay of 117 days in filing C.R.A (ST) No.36548 of 2017. After hearing learned Counsel for the parties and for the reasons stated in C.A. No.99 of 2018 as also

having regard to the shortness of the delay, I am satisfied that the defendant has made out a sufficient cause for condoning delay. C.A. No.99 of 2018 is allowed in terms of prayer clause (a) with no order as to costs. Delay of 117 days caused in filing C.R.A (ST) No.36548 of 2017 is condoned.

[R.G. KETKAR, J.]