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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9307 OF 2016

Ramkumar Sharma & Anr.

...Petitioners

V/s.

Hitesh R. Hingu

...Respondent

Ms.Chandralekha R. Benke for the Petitioners.

Mr.Bhushan Walimbe for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 18TH SEPTEMBER, 2018.

P.C. :-

1. The papers are allowed to be produced at 3:00 p.m.
2. By this petition filed under under Article 227 of the Constitution of India, the petitioners (original defendants) have impugned the order dated 4th April, 2016 passed by the learned Trial Judge below Exhibit – 8 rejecting the application filed by the plaintiff seeking condonation of delay of 19 days in filing the appearance in the summons for judgment.
3. I have heard the learned counsel for the parties and have perused the averments made in the application for condonation of delay and also the impugned order passed by the learned Trial Judge. On perusal of the application for condonation of delay, I am satisfied that the delay was sufficiently explained. For the reasons recorded in

the application below Exhibit – 8, the impugned order passed by the learned Trial Judge is quashed and set aside. The application for condonation of delay filed by the petitioner is allowed. The appearance of the petitioner shall be taken on record if filed within two weeks from today.

4. The writ petition is allowed in aforesaid terms. There shall be no order as to costs.

5. Affidavit in reply to the summons for judgment shall be filed within two weeks from today. It is made clear that no further extension of time would be granted. A copy of the affidavit in reply shall be served upon the plaintiff's advocate simultaneously. The summons for judgment shall be disposed of by the learned Trial Court within eight weeks from the date of completion of pleadings.

Vasant
Anandrao
Idhol

Digitally signed by
Vasant Anandrao Idhol
Date: 2018.09.19
11:16:01 +0530

(R.D. DHANUKA, J.)