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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.496 OF 2017

Bhupal T. Jabade	...Applicant
V/s.	
Nandkumar T. Jabade, since deceased through His L.Rs. & Ors.	...Respondents

Mr.Nagesh Y. Chavan for the Applicant.

Mr.Balwant V. Salunkhe for the Respondent Nos.1-a to 1-d.

CORAM : R.D. DHANUKA, J.
DATE : 27TH AUGUST, 2018

P.C. :-

1. By this civil revision application filed under section 115 of the Code of Civil Procedure, 1908, the applicant has impugned the order dated 6th July, 2017 passed by the learned Civil Judge, Junior Division, Kavathe Mahanka, District Sangli allowing the application for setting aside the abatement order of the suit without filing any application for condonation of delay. Learned counsel appearing for the respondents states that his clients would file an application for condonation of delay and the impugned order may be set aside by this Court.

2. The order dated 6th July, 2017 is set aside. The respondents would be at liberty to file an application for condonation

of delay. If any such application for condonation of delay is filed, the same shall be considered on its own merits. The applicant would be at liberty to raise an issue that the earlier application for condonation of delay dated 30th November, 2016 annexed at Exhibit "G" to the civil revision application was though filed, was not pressed by the respondents while opposing the fresh application for condonation of delay.

3. The trial Court shall decide the application for condonation of delay on its own merits. This Court has not expressed any views on the merit of the matter. All the contentions on merit of the application for condonation of delay, including the maintainability of such application are kept open.

4. The civil revision application is disposed of in aforesaid terms. No order as to costs.

5. Learned counsel for the respondents states that the application for condonation of delay will be filed within four weeks from today. The statement is accepted. If any such application is filed by the respondents within four weeks from today, a copy thereof shall be served upon the applicant's advocate simultaneously.

(R.D. DHANUKA, J.)