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

***CIVIL APPELLATE JURISDICTION***

***WRIT PETITION NO.1145 OF 2018***

Sangita Babasaheb Jadhav & Ors. ..Petitioners.  
V/s.  
Smt. Kesharbai Vishnu Jadhav & Anr. ..Respondents.  
Mr.Bhushan U.Deshmukh for the petitioners.

***CORAM: NITIN W.SAMBRE, J.***

***DATE : JULY 11, 2018***

**P.C.:-**

Heard the learned counsel for the petitioners.

2. On January 12, 2015 a suit for partition preferred by the petitioners came to be decreed ex-parte.

3. The said decree is the subject matter of challenge at the behest of respondents wherein there is a delay of about 17 months. The learned District Judge, Niphad in his discretionary powers condoned the delay having noticed that the respondents-applicants were not served and were not aware of the passing of

the ex-parte decree.

4. Since the Court below in its discretionary powers has ordered condonation of delay, the claim of the petitioners-decree holders that there was no sufficient cause for condonation of delay, in my opinion, does not warrant interference in the extraordinary jurisdiction. The only modification in the order impugned is that the respondents-applicants who sought condonation of delay shall pay costs of Rs.2,500/-, to be deposited in the District Court within a period of six weeks from production of this order to which the petitioners will be entitled to withdraw.

5. The petition is disposed of in above terms.

*(NITIN W.SAMBRE, J.)*