

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

929 CIVIL REVISION APPLICATION NO.22 OF 2019

LALITA DEVANAND ANIRAJ AND ANOTHER .. Applicants

Versus

THE STATE OF MAHARASHTRA
THROUGH COLLECTOR, COLLECTOR
OFFICE, AURANGABAD AND OTHER .. Respondents

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Advocate for Applicants : Shri S.R. Choukidar
AGP for Respondent No.1 – State : Shri S.K. Tambe
Advocate for Respondent No.2 : Shri V.B. Kulkarni
Advocate for Respondent No.3 : Shri J.J. Patil

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**CORAM : P.R. BORA, J.
Dated: July 26, 2019**

PER COURT :-

1. After hearing the learned counsel appearing for the parties, it appears to me that, the First Appellate Court has rejected the application seeking condonation of delay filed in restoration application on the ground that, the conduct of the parties was not fair. It is also observed by the Court that, under the false pretext the earlier order was obtained by the said applicant and in spite of giving assurance to argue the matter in a time bound manner, the adjournments were sought. Without going into the merits of the observations so made, it appears to me that, seeking adjournment on such grounds may not amount to a fraud played upon the Court.

2. It is true that, the matter was adjourned at least twice

previously and though the Court has granted the adjournment at the relevant time, the applicant even thereafter did not attend the said matter. The learned counsel for the applicants submitted that, the applicants undertake to immediately proceed with the matter without asking for any adjournment. Having regard to the submissions so made, it appears to me that, in the interest of justice, an opportunity needs to be given to the applicants to work out their matter on merits. In the circumstances, the following order is passed.

ORDER

(i) The order passed by District Judge-14 and Additional Sessions Judge, Aurangabad in Civil Misc. Application No.179 of 2018 on 11.12.2018 is set aside.

(ii) The delay caused in filing the restoration application is condoned. The restoration application be registered in accordance with law and the same shall be decided by the learned District Judge as expeditiously as possible.

(iii) Civil Revision Application stands allowed in the aforesaid terms.

(PR. BORA, J.)

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