

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

906 CIVIL REVISION APPLICATION NO.30 OF 2017

SMT. LAXMIBAI MARUTI @ MARUTIRAO JADHAV AND OTHERS  
VERSUS

SMT. VIMAL MARUTI @ MARUTIRAO JADHAV

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Advocate for Petitioners : Mr. Vinesh C. Solshe

Advocate for Respondents : Mr. Amol R. Gaikwad

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**CORAM : V. K. JADHAV, J.**

**DATED : 19<sup>th</sup> NOVEMBER, 2019**

**PER COURT:-**

1. Heard both sides.
2. This civil revision application has been preferred against the order passed by the learned Civil Judge, Junior Division, Palam dated 16.01.2017 in Misc. Civil Application No. 20 of 2015 filed for condonation of delay caused in filing the application for setting aside the order of dismissal of suit.
3. Learned counsel for the applicants submits that the Court has considered the grounds for condonation of delay as, no communication of the dates of hearing of the suit by the advocate to the respondent and due to not getting knowledge of the dates of hearing from the advocate. Learned counsel submits that the respondent-original plaintiff remained present alongwith her advocate on 16.09.2014 and thereafter she remained absent continuously.

Even prior to that she was not prompt in attending the court dates. Learned counsel submits that the trial court has not considered the same and allowed Misc. Civil application No. 20 of 2015.

4. Learned counsel appearing for the respondent submits that the court below has rightly considered the grounds put-forth by the respondent-original applicant. The respondent-original applicant was prevented from sufficient cause to appear before the court and as such, delay has been occurred in filing the application for setting aside the dismissal order. There is no substance in this civil revision application and the same is liable to be dismissed.

5. On perusal of impugned order, it appears that the court has considered that the advocate engaged by the respondent-original applicant has not communicated her the dates of hearing and she thus did not get knowledge of the dates of hearing. Even though on 16.9.2014 the respondent-original applicant was present, however, as per the copy of Roznama placed on record, the counsel for the respondent-original applicant remained absent continuously after the said date. The respondent-original applicant has specifically stated in her application that though she had engaged one advocate from Renapur Bar Association and he has presented the suit, the said advocate was not attending the court dates and therefore, she had engaged another advocate from Ambejogai Bar Association itself. There is delay of 5 months and 24 days in presenting the restoration

application. The learned Judge has accordingly condoned the delay with costs of Rs.500/-. I do not find any fault in the impugned order. There is no substance in this civil revision application. Hence, the following order:-

### O R D E R

Civil revision application is hereby dismissed.

**( V. K. JADHAV, J.)**

rlj/