

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

WRIT PETITION NO. 5192 OF 2019

Laxman Jagannath Munde

..PETITIONER

-VERSUS-

Ashwini D/o Laxman Munde
and others

..RESPONDENTS

...

Mr.A.V. Rakh, Advocate for petitioner.

...

CORAM: V.L. ACHLIYA, J.

DATE : 30.04.2019

ORAL ORDER:

By way of this Petition filed under Article 227 of the Constitution of India, the petitioner has challenged the order dated 4th January, 2019 passed vide Exhibit 53/A by the Civil Judge, Senior Division, Ambajogai in Civil Misc. Application No. 69 of 2013. By the impugned order, learned Judge of the trial Court has allowed the application seeking restoration of suit, which came to be dismissed in default of respondents to appear in the matter.

2. Learned counsel for the petitioner assailed the impugned order with the contention that on the day of dismissal of the suit, the application was presented for restoration of suit, which was rejected by the trial Court. However, later on, the application moved seeking restoration of the suit has been allowed. It is the contention of learned counsel for the petitioner that the trial Court should not have entertained the application, as the application made earlier on the day of dismissal of suit was rejected and the order passed therein was not challenged and set aside by the Higher Court.

3. I have carefully considered the submissions advanced in the light of the order passed in the matter. In my view, the order passed by the trial Court is reasoned and calls for no interference in exercise of jurisdiction under Article 227 of the Constitution of India. The submissions advanced before this Court were also raised before the trial Court and the same have been duly considered by the trial Court, and the reasoned order has been passed. I am therefore, not inclined to entertain the

Petition. Hence the Petition stands rejected.

[V.L. ACHLIYA]
JUDGE

SGA