

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6417 OF 2019

Sunita Rameshrao Garajkar

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Mrs. Smita S.Kulkarni, Advocate for the Petitioner.

Mr. N.T.Bhagat, AGP for the Respondent No.1.

.....

CORAM : RAVINDRA V. GHUGE, J.

DATE : 08-07-2019.

PER COURT :

01. The petitioner is aggrieved by a short Order passed by the Appellate Court dated 25.2.2019 by which delay of 9 days has been condoned. When the matter was heard before the Appellate Court, the respondent Advocate was absent and did not appear before the Court to oppose the application for condonation of delay Exh. 13.

02. I have heard the learned Advocate for the petitioner for quiet sometime.

03. It appears from the record that M.A.R.J.I. No. 823/2014 filed by the respondent herein seeking succession

certificate was rejected on 21.4.2018. Copies of the said Order were received on 24.4.2018. Vacations for the Civil Court began on 27.4.2018 and concluded on 31.5.2018. Erroneously, the respondent preferred First Appeal No. 1910/2018 before this Court on 6.6.2018. The said appeal was allowed to be withdrawn on 3.7.2018 so as to enable the respondent to file an appeal. M.C.A. No. 101/2018 was filed on 4.7.2018.

04. As such, considering the time from 22.4.2018 till the vacations began on 27.4.2018 and by excluding the vacation time and approaching this Court and spending time in this Court, it would appear that the appeal proceedings were preferred by the respondents within about 12 days. The Trial Court has concluded that the delay is of 9 days as the limitation period is of 30 days.

05. Considering the above, I do not find that the impugned Order can be termed as being perverse or erroneous. This petition being devoid of merit is, therefore, dismissed.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-