

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

927 CIVIL APPLICATION NO.13604 OF 2018
IN
CRAST/33020/2018

DHANANJAY NANASAHEB PATIL
VERSUS
MAHESH BHAGWAT MANE AND OTHER

....

Advocate for the Applicant : Mr. S.G. Chapalgaonkar

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CORAM : V.L. ACHLIYA, J.

DATED : 25th APRIL, 2019

PER COURT:-

Heard.

2. The present application is filed seeking condonation of 230 days delay in filing the Civil Revision Application against the order dated 05.12.2017 passed by the Judge, Family Court, Latur in Petition No.B-03/2017.

3. Respondent No.1 the contesting respondent, though served, absent. Respondent Nos. 2 to 21 are claimed to be formal parties.

4. In brief it is the contention of the learned counsel for the applicant that the delay caused in filing the Revision was not deliberate and intentional, but caused due to the reason that the

petitioner has adopted the remedy by way of writ to challenge the impugned order. By the order dated 21.09.2018 passed in Writ Petition No.10597/2018, the petitioner was granted liberty to withdraw the writ petition and file civil revision application against the impugned order. Accordingly, the civil revision application has been presented after withdrawing the writ petition.

5. Considering the cause assigned, in the light of unchallenged pleadings in the application and the fact that the application was bonafidely proceeding the remedy by way of writ, the delay deserves to be condoned. Accordingly the application is allowed in terms of prayer clause 'B'. Delay condoned. Revision be registered.

6. List the civil revision application for admission on 06.06.2019.

7. The Civil Application be marked as disposed of.

(V.L. ACHLIYA)
JUDGE