

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12563 OF 2017

Krishnabai Ankush Sonawane and Ors. ... Petitioners
Vs.
Prakash Shatrughna Sonawane and Ors. ... Respondents

.....

Mr. Siddharth Chapalgaonkar I/b. Mr. Nitin P. Deshpande for the
Petitioners.

.....

CORAM : M. S. KARNIK, J.

DATE : 19th SEPTEMBER, 2019.

P. C.:

1. Heard learned counsel for the petitioners.

2. By this petition the petitioners are challenging the
order dated 21.6.2017 passed in Civil Miscellaneous Application
No. 271 of 2016 below Exhibit 1 allowing the application for
condoning the delay in filing the Appeal subject to cost of
Rs.5,000/-. The petitioners are the decree holders. The petitioners
had filed a suit for partition and separate possession. The suit
came to be decreed. Pursuant to the final decree the petitioners
are in possession of their respective portion of the suit property
and decree came to be executed.

3. Learned counsel for the petitioners submits that no reasons have been stated in the application for condonation of delay. He further submits that the decree has been executed and the plaintiffs should not be further prejudiced by subjecting them to further proceedings in the Appeal filed by the judgment debtors.

4. Considering that the delay has been condoned by imposing cost of Rs.5,000/- and for the reasons mentioned in the order, I do not find this is a fit case to interfere in the discretion exercised by the Appellate Court in condoning the delay in filing the Appeal.

5. The petition stands rejected with no order as to costs.

(M. S. KARNIK, J.)