

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY*****CIVIL APPELLATE JURISDICTION*****CIVIL REVISION APPLICATION (ST) NO. 2863 OF 2019****Vanita Baliram Patil****..... Applicant****VERSUS****Smt. Nagarbai Vasudeo Patil,  
(Since deceased through L.Rs.  
Subrav V. Patil & Ors.****..... Respondents**

Mr. Ashok B.Tajane for the Applicant.

Mr. Anand S. Kulkarni for the Respondent nos. 2 and 4.

**CORAM : R.D. DHANUKA, J.****DATE : 22<sup>nd</sup> OCTOBER, 2019****P.C.**

By this civil revision application filed under section 115 of the Code of Civil Procedure, 1908, the applicant has impugned the order dated 14<sup>th</sup> September, 2016 passed by the learned Principal District Judge, Solapur below Ex.40 in Civil Misc. Application No. 218 of 1999 *inter alia* praying for condonation of delay of 3 days in filing application for bringing the legal heirs of the opponent nos. 1, 3, 6 and 8 on record.

2. Heard learned counsel for the parties and perused the application for condonation of delay. In my view, the delay was sufficiently explained by the applicant in bringing the legal heirs of the deceased opponent nos. 1, 3, 6 and 8 on record and thus delay ought to have been condoned by the learned Principal District Judge, Solapur and ought to have heard the matter on merit. The order dated 14<sup>th</sup> September, 2019 passed by the learned Principal District Judge, Solapur

below Ex.40 in Civil Misc.Application No. 218 of 1999 is quashed and set aside and civil revision application is allowed on the aforesaid terms.

3. The applicant is directed to pay a cost of Rs.10,000/- to the respondent nos. 2 and 4 in one set within two weeks from today as a condition precedent for condoning delay and for allowing this civil revision application.

**[R.D.DHANUKA, J.]**