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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2025 OF 2019

Hanmant Bandu Patil

..Petitioner.

V/s.

Shankar Bhau Patil & Ors.

..Respondents.

Mr.Kalpesh U.Patil for the petitioner.

None for the respondents.

CORAM: M.S.SONAK, J.

DATE : MARCH 12, 2019

P.C.:-

After this matter was argued for some time, learned counsel for the petitioner seeks leave to withdraw this petition. Leave is granted. The petition is disposed of as withdrawn.

2. In this case, the respondent had applied for condonation of delay of about 53 days in instituting the appeal. The application was accompanied with a medical certificate. Even otherwise, on perusal of the application, sufficient cause appears to have been shown by respondents. Despite all these, solely with the purpose of delaying the hearing on the application for condonation of delay, the petitioner has filed the application which was frivolous and consequently rightly dismissed by the learned trial Court. Since the delay is of only 53 days

and the same is well explained, obviously, the petitioner had no right to insist upon the respondent leading evidence in the matter. The intent of the petitioner is to delay the proceedings and to avoid the adjudication of the appeal on merits. Therefore, when this Court was about to dismiss this petition by imposing costs, learned counsel for the petitioner has sought for leave to withdraw this petition.

3. The petitioner is directed to place an authenticated copy of this order before the learned first appellate Court file affidavit of compliance in this Court. In any case, as matter of abundant caution, even the Registry is directed to forward an authenticated copy to the Court of District Judge-2, Karad in Civil Misc. (Delay) Application No.22/2017 within a period of one week from today.

(M.S.SONAK, J.)