

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6992 OF 2018**

Shakuntala Uttam Pol & ors.	...Petitioners
Versus	
Pandurang Shankar Pol & ors.	...Respondents

Mr. D. D. Rananaware, for the Petitioners.

CORAM: N. J. JAMADAR, J.

DATED : 27th SEPTEMBER, 2019

PC:-

1. Heard Mr. Rananaware, the learned Counsel for the petitioners.
2. This petition assails the legality, propriety and correctness of the order dated 21st March, 2018 passed in Miscellaneous Civil Application No.41 of 2012, whereby the learned Extra Joint District Judge, Karad, was persuaded to allow the application for condonation of delay of about 14 months in preferring an appeal against the decree passed in Regular Civil Suit No.260 of 1999 on 25th February, 2011, by the learned 5th Joint Civil Judge, Junior Division, Karad.
3. The learned District Judge was inclined to condone the delay on the premise that the application for condonation of delay should receive liberal consideration and, in the facts of the instant case, there was no material on record to show that the

legal representatives of Leelabai – deceased original plaintiff, were impleaded and the notice thereof was given to the defendants, who were under the impression that after the death of the said plaintiff the suit abated.

4. The learned Counsel for the petitioner submitted that this observation of the learned District Judge may not be factually correct. However, upon perusal of the reply to the application for condonation of delay, filed by the petitioners herein, it becomes evident that the petitioners herein were impleaded in the capacity of the legal representatives of deceased original plaintiff - Leelabai, who died in the year 2001. The cause-title of the judgment in Regular Civil Suit No.260 of 1999, which indicates that deceased Uttam was impleaded as a Power of Attorney of Leelabai, thus does not carry the matter any further.

5. Even otherwise, as the learned District Judge has exercised the discretion to condone the delay with a view to advance the cause of justice and facilitate the determination of lis on merits, no interference is warranted in exercise of extraordinary jurisdiction. Thus, I am not persuaded to entertain the petition.

6. The petition stands dismissed.

[N. J. JAMADAR, J.]