

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2690/2019

Smt. Tulsabai Ramesh Usre and another
..Vs..
Shri Ganesh S/o Ramsukh Usre

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. I.P. Khisti, Advocate for the petitioners.

CORAM : Z.A. HAQ, J.
DATED : 18.7.2019.

Heard.

By the impugned order, learned trial Judge has condoned the delay of about 4 months in filing the application praying for setting aside the *ex-parte* judgment and decree. The respondent had pleaded that he was not aware about passing of the *ex parte* judgment and decree, and as per the practice prevalent now-a-days, blame for it was placed on the lawyer who represented the respondent. Learned trial Judge has found that the explanation given by the respondent for delay in filing the application was not acceptable but considering the fact that the delay was about 4 months and looking to the nature of controversy, the learned trial Judge has taken a pragmatic view exercising discretion in favour of the respondent. In the facts of the case, I am not inclined

to interfere with the discretion exercised by the trial Court. Hence, the writ petition is **dismissed**. No costs.

As the civil suit is of 2011, learned trial Judge is directed to decide the civil suit till 30th March, 2020.

JUDGE

Tambaskar.