

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.6309 OF 2019**

Satish Hari Katkar

...Petitioner

Vs.

Vitthal Dhondiba Shinde & Ors.

...Respondents

Mr. Rahul Kadam, Advocate for the Petitioner.

Mr. T.S. Shendge, Advocate for Respondent Nos.1 and 2.

CORAM : A.S. GADKARI, J.**DATE : 11th MARCH, 2020.****PC. :**

. By the present petition, the petitioner/original defendant no.4 has impugned Order dated 17th December, 2018 passed below Exh.63 in Civil Miscellaneous Application No.02 of 2012, allowing the said application for condonation of delay filed for restoration of Regular Civil Suit No.77 of 1997.

2. The record indicates that, the suit filed by Respondent No.1/Original Plaintiff was dismissed for want of prosecution by the Trial Court by its order dated 23rd July, 2008.

The Respondent No.1/Original Plaintiff got knowledge of the same in the year 2010 and on 22nd August, 2012 preferred the present application for restoration of the said suit. Perusal of application filed by Respondent No.1/Original Plaintiff for restoration of the suit would indicate that, it is an elaborate application and Respondent No.1 has given satisfactory

explanation for condonation of the said delay. The Trial Court has properly appreciated the facts of the case and allowed the application preferred by Respondent No.1 for condonation of delay by imposing costs of Rs.3,500/-

3. Perusal of application filed by Respondent No.1/Original Plaintiff for condonation of delay and the impugned Order would clearly indicate that, the Trial Court has not committed any error in allowing the said application.

4. No inference of this Court under Article 227 of the Constitution of India is necessary in the impugned Order.

Petition being devoid of merits, is accordingly dismissed.

5. The record indicates that, the suit instituted by Respondent No.1 is of the year 1997 and has been now transferred to the file of Learned Civil Judge, Senior Division, Vaduj, District Satara having renumbered No. 02 of 2012. In view thereof, the Learned Civil Judge, Senior Division, Vaduj, District Satara seized of Regular Civil Suit No.02 of 2012 is hereby directed to expedite hearing of the said suit and make an endeavour to conclude it within a period of 18 months from the date of receipt of present order.

6. All the concerned to act on an authenticated copy of this order.

[A.S. GADKARI, J.]