

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13152 OF 2019

Rajesh Kantilal Patel	...	Petitioner
V/s.		
M/s.Neelkanth Mansions and Infrastructure Ltd. & Ors.	...	Respondents

Mr.R.M. Haridas for Petitioner.
Mr.R.A. Thorat a/w. Mr.Ajit Tamhane, Ms.Savita Sawalkar, Mr.Rohan Tamhane,
Ms.Gunjan Tamhane i/b. Tamhane & Co. for Respondent No.1.

CORAM : A.S. GADKARI, J.

DATE : 8th January 2020.

PC. :

1] By the present Petition under Article 227 of the Constitution of India, the petitioner has impugned Order dated 25th September 2019 passed in MARJI Application No.289 of 2019 and Order dated 29th November 2019 passed in Review Application No.17 of 2019, thereby rejecting the application of the petitioner for condonation of delay of 2 days in filing his reply/objection in Execution Application No.383 of 2016 within stipulated period, as per the directions of the Appellate Bench of the Small Causes Court by its Order dated 10th July 2019 in Revision Application No.240 of 2018.

2] Heard Mr.Haridas, learned counsel for the petitioner and Mr.Thorat, learned Senior Counsel for the respondent No.1. Perused the record.

3] Perusal of record would indicate that, in para Nos.6, 7 and 10 of MARJI Application No.289 of 2019, the petitioner has given sufficient reasons for condonation of delay of 2 days in filing his reply/objection in the execution proceedings, as per the Order dated 10th July 2019 passed by the Appellate Bench of the Small Causes Court.

4] In view thereof, this Court is of the opinion that, the said delay is sufficiently explained and needs to be condoned.

The said delay is accordingly condoned. The Orders dated 25th September 2019 and 29th November 2019 passed in MARJI Application No.289 of 2019 and Review Application No.17 of 2019 respectively are hereby set-aside.

The petitioner is permitted to file his reply within a period of two weeks from today, failing which the present Order shall come to an end without further reference to this Court.

5] The learned Judge seized of Execution Application No.383 of 2016 is requested to expedite its hearing and to make an endeavour to conclude the same within a period of three months from the date of receipt of the present Order.

- 6] Writ Petition is disposed off in above terms.
- 7] All the concerned to act on the basis of the authenticated copy of this Order.

[A.S. GADKARI, J.]