

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 CRA NO.223 OF 2015

BABASAHEB NANA DHOKCHAULE AND OTHERS
VERSUS
ARUN BABULAL VIGHAVE AND OTHERS

...
Advocate for Applicants: Mr. R. S. Gangakhedkar h/f Mr. Karpe
Rahul R.

...

CORAM : AVINASH G. GHAROTE, J.

DATE : 3rd July, 2021

P. C. :

. Heard Mr. R. S. Gangakehdkar holding for Mr. Rahul Karpe, learned counsel for the applicants. None appears for the respondents.

2. The revision application challenges the order dated 12.6.2013, passed by the District Judge-2, Kopargaon, whereby the delay of 75 days in filing the appeal against the judgment and decree passed by the trial court dated 18.8.2009 in RCS No.506/2005, has been condoned, subject to cost of Rs.500/ (Rs. Five Hundred Only)-. The learned counsel, contends, that no justifiable reason has been given for condoning the delay and therefore, the court below, was not justified in passing impugned order. A perusal of the impugned order, indicates, that what weighed with the court below, was the plea raised before it

on affidavit, that the applicant therein, was suffering from jaundice and was unable to travel which had resulted in the delay. It is settled position of law, that all matters, need to be decided on merits, and not in default. The Hon'ble Apex Court in the case of **Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy & Ors., 2013 (12) SCC 649**, has dilated upon the parameters to be considered while condoning the delay and has held, that a liberal approach is required to be adopted.

3. Considering the same, I do not see any infirmity in the impugned order, the present Civil Revision Application is, therefore, without any merits and is, accordingly, rejected.

(AVINASH G. GHAROTE, J.)