

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3228 OF 2022

PITAMBAR NAMDEV CHAUDHARI SINCE DECEASED THR
LRS INDUBAI PITAMBAR CHAUDHARI AND ANOTHER
VERSUS
GORAKH DHARMA PATIL AND OTHERS

...
Advocate for Petitioners : Mr. N.L. Choudhari

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 7th MARCH, 2022

ORDER :

1. The Petitioners challenge the order of condonation of delay of 2153 days for filing application for restoration of appeal. The District Court taking into consideration the reasons given in the condonation of delay application that the advocate of applicants/respondents had joined judiciary and the file was not returned to the applicants and the applicants had no intimation/knowledge about the same till they received notice in execution proceedings, condoned the delay by imposing costs of Rs. 6,000/-.

2. Having heard the learned advocate for the Petitioner and after going through the impugned order, I do not find any illegality or perversity in the impugned order. Reasonable opportunity to contest the appeal on merits needs to be given to the Respondents, which is rightly given by the District Court, by imposing costs of Rs. 6,000/-. In that view of the matter, no interference is called for in the impugned order. However, costs which is directed to be deposited by the Appellate Court to be paid to the Petitioner. With this direction, the writ petition is dismissed.

[NITIN B. SURYAWANSHI]
JUDGE