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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

WRIT PETITION NO.11839 OF 2021

**MANGALBAI KHUSHAL MORE (KOLI) AND OTHERS  
VERSUS  
DHARMA MAHADU MORE (KOLI )**

...  
Mr Ujwal Patil, Advocate for petitioners

**CORAM : SMT. BHARATI DANGRE, J.**

**DATE : 11th January, 2022**

**PER COURT:**

1. Heard the learned Counsel for the petitioners.

The petitioners are aggrieved by the impugned order passed by the learned Additional District Judge-4, Jalgaon, on 25/11/2019 in Civil Misc. Application No.33/2018, filed by the respondent and which has been allowed by condoning the delay of 9 months and 16 days.

2. The petitioners had filed the R.T.S. Revision No.42/2015 before the learned S.D.O., Malegaon, for challenging mutation entry and same was allowed. Against the said order, the respondent preferred the R.T.S. Appeal No.154/2016 before the Collector, Malegaon. Since a dispute arose about the place of the death of one Yamunabai Pandit Koli, the petitioners filed Misc.

(2)

Civil Application No.4/2018 before the learned Civil Judge Junior Division, Bhadgaon, for Legal Heirship certificate of deceased Yamunabai, in which respondent was impleaded as a respondent. This Misc. Civil Application came to be allowed by an order dated 13/02/2018 and the heirship certificate of Yamunabai, was granted in favour of the petitioners. Against the said order, the respondent preferred Civil Misc. Application No.331/2018, seeking condonation of delay of 9 months and 16 days and the delay was projected as being bona fide, since the applicant had no knowledge about the order being passed. It was also pleaded that if the delay is not condoned, he would suffer irreparable loss. The application was vehemently opposed by the present petitioners and it was disputed that the applicant had no knowledge.

On consideration of the application, the learned Judge has recorded that for effective adjudication of the dispute between the parties, the delay deserve to be condoned, since it is genuine and hence the application has been allowed by imposing costs of Rs.1,200/-, which is directed to be paid to the other side. The delay has been condoned on 25/11/2019 and the appeal was directed to be registered.

(3)

3. The petition filed in the year 2021 assailing the said order, in my considered opinion, the same do not warrant any consideration since the impugned order, when perused sufficiently, justify the condonation of delay on recording that it was bona fide.

Resultantly, the writ petition is dismissed.

**(SMT. BHARATI DANGRE, J.)**

sjk