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

WRIT PETITION 10440 OF 2019

Basappa Rangappa Khot and Ors. ... Petitioners
Versus
Shri Lingappa Rangapp Khot ... Respondent

Mr. Umesh R. Mankapure for the Petitioners.
None for the Respondent.

CORAM: ROHIT B. DEO, J.
DATE : 27th JUNE, 2022

P.C. :-

. The petitioners are aggrieved by the order dated 11th April, 2019 rendered by the 2nd Jt. Civil Judge Junior Division, Sangli, whereby the learned Judge refused restoration of Regular Civil Suit 378 of 1997 which was dismissed for want of prosecution.

2. The justification pleaded was that the applicants-plaintiffs in the Regular Civil Suit 378 of 1997 did not prosecute the suit relying on the representation by the defendants that his grievance shall be appropriately addressed.

3. The learned Trial Judge has rightly disbelieved the version of the plaintiffs since the defendants had instituted Regular Civil Suit 29 of 2005 seeking injunction against the present applicants-plaintiffs in Regular Civil Suit 378 of 1997 which suit is decreed on 18th September, 2008. In this view of the matter, there was absolutely no justification for waiting till 2013 to seek restoration of Regular Civil

Suit 378 of 1997. I do not see any error in the view taken by the learned Trial Judge.

4. Writ Petition is dismissed.

[ROHIT B. DEO, J.]