

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL REVISION APPLICATION NO.298 OF 2022**

Dikoji Bali Darade and Anr.

.. Applicants

Versus

Santosh Madhukar Darade and Ors.

.. Respondents

.....

- Mr. Prashant R. Suryawanshi i/by Mr. Gajanan M. Savagave for Applicants
- None for Respondents

.....

CORAM : MILIND N. JADHAV, J.**DATE : NOVEMBER 28, 2022.****P.C.:**

1. Heard learned Advocate for Applicants.
2. This Application has been taken out to challenge the validity and legality of the Order dated 30.03.2021 passed by the learned Trial Court under Exhibit-12. By impugned order, the Application filed by Applicants under Order 9, Rule 9 of Code of Civil Procedure (“CPC”) came to be dismissed.
3. Learned Advocate for Applicants submitted that by the impugned order, their Appeal bearing R.C.A. No. 11 of 2015 came to be dismissed for default on 21.10.2020 by Order below Exhibit-1 of the Appeal.
4. Admittedly, R.C.S proceeding No. 531 of 2007 has been decided in December-2012 as informed by the learned Advocate for Applicants. The learned Appellate Court has given its reasons and findings on the

application of the Applicants which are extremely serious. The evidence which is referred to in paragraph No.3 of the Judgment has not been controverted and it reveals that the Applicants had submitted a false and fictitious ground about having taken treatment in the Primary Health Care Centre in Bhalgaon. Applicants have also not annexed the alleged medical report dated 03.01.2020.

5. Perusal of the impugned judgment further shows that the medical report was also not signed by the concerned Doctor nor it had the seal of the Hospital/PHC.

6. In view of the aforementioned facts recorded by the learned Appellate Court in its judgment, no interference whatsoever is called for in the said judgment.

7. Civil Revision Application is dismissed.

[MILIND N. JADHAV, J.]

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