

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO. 3277 OF 2021**

Maroti @ Marotrao Shankarrao Dawre Vs. Ganpat Dnyaneshwar Bhong and ors

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

Mr. M.R.Joharapurkar, Advocate for petitioner

Mr. R.A.Bhandakkar, Advocate for the respondent Nos. 2 & 3

**CORAM : AVINASH G. GHAROTE, J.**  
**DATE : 25/08/2022**

1] Heard Mr. Joharapurkar, learned counsel for the petitioner and Mr. Bhandakkar, learned counsel for the respondents.

2] The petition challenges the order dated 24.4.2019 passed below Exh.1 rejecting the application seeking condonation of delay of 20 days in filing an MCA challenging the order passed by the learned trial Court below Exh.5, on the ground that since Exh.5 was rejected and possession of the suit property as claimed by the respondents was taken over, the appeal had become infructuous and therefore there was no reason to condone the delay.

3] Even if the possession may have been taken as contended by the respondents, consequent to rejection of Exh.5 by the trial Court, still the cause of action to challenge the order below Exh.5 does not go away,

(2)

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considering which the impugned order is hereby quashed and set aside and the application for condonation of delay of 20 days in filing MCA is hereby allowed.

4] The petition is allowed in above terms. No costs.

**JUDGE**

*Rvjalit*