

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAC) NO. 64 OF 2019
IN
CIVIL REVISION APPLICATION (CRA)(ST.) NO. 16597 OF 2019

Mr. P.V.Ramnathan (also known as Vaidyanathan Ramnath)

...**VERSUS**...

Mr. P.V.Swaminathan and ors.

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

Court's or Judge's order

Shri Soumitra Paliwal, Advocate for applicant.

Shri Rahul Tajne, Advocate for respondent nos. 3 and 4.

CORAM : SMT. M. S. JAWALKAR, J.

DATE : 08th DECEMBER, 2022

The present application is filed for condonation of delay of 41 days in filing the revision application.

2. The reason given for delay is that the applicant is residing at USA and some time was consumed after obtaining the certified copy of the order passed by Trial Court to prepare draft revision application. The applicant has also undergone prostate surgery. As such, delay of 41 days is caused in filing the revision application.

3. The reply to the present application is filed by respondent nos. 3 and 4 and vehemently opposed the application. It is submitted that the surgery was done in the month of September, 2018 and the applicant was on a trip to Japan in May, 2019 and in December, 2019 at Europe. As such, both these submissions are made are false.

4. It is brought to the notice by the learned counsel for the applicant that as per the statement made in the application, the applicant was recovering from prostate surgery. Considering the age of the applicant by date around 78 years and also the fact that, there is no intentional or deliberate delay, I am inclined to allow the present application, however, subject to costs of Rs. 2,000/- to be paid to the High Court Bar Library, Nagpur within a period of two weeks. Accordingly, the application is allowed in above terms.

5. Delay in filing revision application is hereby condoned. Registry is directed to register the revision application.

6. Shri Rahul Tajne, learned counsel waives notice for respondent no. 3 and 4.

7. The learned counsel for the applicant makes a statement that notice to respondent nos. 1 and 2 and their appearance may be dispense with as they are formal parties.

8. Accordingly, the application stands disposed of.

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After registration of the revision application, list the matter for admission on 21/12/2022.

(Smt. M.S. Jawalkar, J.)