

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

**CIVIL APPLICATION NO.17030 OF 2022
IN CRAFT/33026/2022**

**DHRUPADABAI NANA KALE
VERSUS
GAJANAN KISAN KALE AND ORS**

Mr. S. S. Patil, Advocate for the applicant
Mr. A. R. Kawade, Advocate for respondent Nos. 1,3,4 and 5.

CORAM : R. M. JOSHI, J.

DATE : 23rd MARCH, 2023

PER COURT :-

1. Learned counsel Mr. Kawade for respondent Nos. 1,3,4 and 5 filed affidavit-in-reply. It is taken on record.
2. This application is filed for condonation of delay of 975 days in filing Civil Revision Application challenging order dated 08/01/2020 passed by 5th CJSD, Aurangabad on an application under Order VII Rule 11 of the Code of Civil Procedure in R.C.S. No. 500/2017.
3. The applicant has stated that she is old lady and due to fear of corona infection she could not take steps in time. It is also stated that due to old age and age related problems no consultation could be obtained from the Advocate.

4. Learned counsel for the contesting respondents opposes the application for the reasons given for condonation of delay being not satisfactorily.

5. It is not in dispute that the applicant is aged about 67 years. There is nothing to indicate that she does not have age related problems. There is a universal fear in the mind of senior citizens about getting infected from Covid-19 virus. In such circumstances it is difficult to brush aside the reasons given by the applicant for not preferring the revision application in time.

6. However, since the delay is of 975 days, some reasonable cost needs to be imposed.

7. Considering the facts and circumstances cost is quantified at Rs.5,000/- to be payable to the contesting respondent. Cost be deposited or paid within a period of two weeks. In the event of non compliance of the aforesaid direction, this order shall stand vacated without further reference to the Court. On deposit or payment of the cost to the contesting respondent the revision application be registered.

(R. M. JOSHI, J.)

ssp