

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 34 OF 2023

Dnyaneshwar Namdeo Patil & another Applicants

Versus

Pundlik Pandu Patil
(Deceased through LRs) Respondents

Mr. G. S. Rane, Advocate for the applicants.

CORAM : R. M. JOSHI, J.

DATE : 27th MARCH, 2023.

PER COURT :

1. Heard.
2. This revision is filed against the order dated 4th October, 2022, passed by learned Civil Judge, Junior Division, Amalner in Misc. Civil Application No. 216/2018 which was preferred by the original defendant for setting aside ex-parte decree in Special Civil Suit No. 7/2016 on the ground of his illness and illiteracy. By the said application, he had sought condonation of delay of 9 months and 21 days.

3. Perusal of record indicates that the applicant has pleaded in application about his sickness and that he has also examined himself. He led evidence of Dr. Deepak Khore from whose testimony also, it is clear that at the relevant time the applicant was suffering for sickness for the period from 05.06.2018 to 19.06.2018.

4. The applicant has come out with a case of his sickness as well as illiteracy and want of proper advice. The learned Trial Court has rightly considered his application and the evidence led by him. The contention of learned counsel for the applicants that the delay is not satisfactorily explained, cannot be accepted on the basis of evidence on record.

5. This Court, therefore, finds no perversity in the impugned order. In the result, application stands dismissed.

(R. M. JOSHI)
Judge

dyb