

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

CIVIL APPLICATION (CAC) NO. 01 OF 2020
IN
CIVIL REVISION APPLICATION (ST.) NO. 15233 OF 2019

SAU. UMA SANJAY MADDAMWAR (DEAD) THR. LRS. A-1(A) SANJAY S/O. BABURAO MADAMWAR AND ORS.

...VERSUS...

SMT. SHOBHA WD/O. BABULAL BANMARE 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 A.S.Dhore, Advocate for applicants.

Shri A.V. Lokhande, Advocate for respondent nos. 1 to 5 and 7 (in person)

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

DATE : 18th APRIL, 2023

The present application is filed for condonation of delay of 98 days in filing the Civil Revision Application.

2. The application is vehemently opposed by the learned counsel for the respondents.

3. Learned counsel for the applicants submitted that the time was consumed by local counsel for giving legal guidance regarding seeking further proceedings to be taken up. The local counsel had not advised to the applicants/plaintiffs within time. After waiting for considerable time, he advised the applicants to find out a suitable lawyer at Nagpur. As such, the applicants approached to the counsel at Nagpur and thereafter, some time is consumed in restoring the bulky record of earlier litigations. It is further submitted that the delay is not deliberate or intentional and there is no benefit to delay in the matter to the applicants.

4. Learned counsel for the respondent vehemently submitted that, the revision itself is not maintainable, however, this issue can be gone into after delay is being condoned.

5. In my considered opinion, delay is duly explained, however, inconvenience caused to the other side cannot be ignored. As such, I am inclined to allow the application subject to costs. Accordingly, the application is allowed and delay in filing Civil Revision Application is hereby condoned, subject to payment of costs of Rs. 2,000/- to be paid to the respondents within a period of two weeks.

6. After an amount is deposited, Registry is directed to register the Civil Revision Application.

7. Accordingly, the application is disposed of.

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

B.T.Khapekar