



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

**CIVIL APPLICATION NO. 7588 OF 2007
IN FA/1127/2004
WITH X-OBJECTION (STAMP) NO. 6817 OF 2005
IN FA/1127/2004
WITH CIVIL APPLICATION NO. 7589 OF 2007
IN FA/1127/2004**

**HUKUMCHAND NEMICHAND JAIN AND ORS
VERSUS
DATTATRAYA VISHNU DESHPANDE AND ORS**

Mr. M. M. Jadhav h/f Mr. S. P. Shah, Advocate for the applicants
Mr. Murar Deshpande h/f Mr. V. J. Dixit, Advocate for respondent No.1.

CORAM : R. M. JOSHI, J.

DATE : 19th JULY, 2024

PER COURT :-

1. Leave to amend prayer clause 'B'.
2. This application is for condonation of delay of 567 days in of restoration First Appeal No. 1127/2004.
3. Learned counsel for the applicants submits that the delay caused in filing the application is not deliberate and that no prejudice much less any irreparable loss will cause to the respondent No.1 if the same is condoned. This submission is opposed by the learned counsel for the respondent No.1. None appeared for other respondents to oppose

the application.

4. For the reason mentioned in the application and in view of the fact that the delay is not deliberate, in the interest of justice, application deserves to be allowed. Hence, civil application is allowed in terms of prayer clause 'B'.

5. First Appeal No. 1127/2004 stands restored to the stage at which it was dismissed.

6. Both civil applications are allowed.

7. Office to verify whether subject matter of appeal is within pecuniary jurisdiction of this Court and if the subject matter is within the pecuniary jurisdiction of the District Court, the appeal be transferred to the concerned Court.

(R. M. JOSHI, J.)

ssp