

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5378 OF 2019

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GANESH
KULKARNI

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Sahadev Mahadeo Gavandi,
since deceased through LRs

... Petitioner

V/s.

Balaso Mahadeo gavandi & Ors.

... Respondents

Mr. Dilip Bodake for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 12, 2024

P.C.:

1. The Trial Court by the impugned order has allowed application for condonation of delay of 24 days. According to the petitioner, the delay is of 44 days. Assuming delay is of 44 days, considering substantive rights of the parties involved in the suit, the Trial Court has rightly restored the suit by condoning the delay.
2. There is no merit in the writ petition. The same stands dismissed. No costs.
3. However, all contentions raised by the petitioner open to be agitated before the Trial Court at the time of hearing of the suit.

(AMIT BORKAR, J.)