

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.20563 OF 2022
IN
CIVIL REVISION APPLICATION (ST.) NO.18280 OF 2022**

SHRI. BARKAT PHIDAHUSEN SOHIL AND ORS.)...APPLICANTS

V/s.

MILIND CHANDRASHEKHAR MODAK AND ORS.)...RESPONDENTS

Mr.Surel Shah a/w. Mr.Sachin Gite, Advocate for the Applicants.

Mr.P.J.Thorat a/w. Ms.Aditi S. Naikare, Advocate for the Respondents
No.1, 4 and 5A to 5C.

CORAM : ABHAY AHUJA, J.

RESERVED ON : 20th JULY 2023

PRONOUNCED ON : 10th JANUARY 2024

PC. :

1. This Interim Application seeks condonation of delay of 2 years and 227 days caused in filing the Civil Revision Application against the judgment and order dated 31st July 2019 passed by the Principal District Judge, Nashik in Regular Civil Appeal No.85 of 2013 whereby the Appeal filed by the Applicants was dismissed and judgment and order dated 1st January 2013 passed by the Civil Judge, Senior Division,

Nashik in Regular Civil Suit No.86 of 1997 was confirmed. The Trial Court had directed the Applicants to put the Respondents in possession of the Suit property and also to pay arrears of Rs.7880/- to the Respondents. The impugned judgment and order in the Civil Appeal was passed on 31st July 2019. The Applicants made an application for certified copy on 1st August 2019 and received it on 31st August 2019.

2. The facts of this case are similar to the facts in Interim Application No.20333 of 2022 in Civil Revision Application (S.T) No.18269 of 2022, where of Judgment has been pronounced today dismissing the said Application. In view thereof and for reasons recorded in the said Judgment and Order dated 10th January, 2024 in Interim Application No.20333 of 2022 in Civil Revision Application (S.T) No.18269 of 2022, this Application is accordingly dismissed, there being no sufficient cause in the facts and circumstances of the case. No order as to costs.

3. The Civil Revision Application accordingly cannot be entertained and to accordingly stand disposed.

4. Mr.Sachin Gite, learned Counsel for the Applicants, seeks stay of the order. Mr.Kekane, learned Counsel for the Respondents no.1, 4 and 5A to 5C, opposes the request. Having heard the learned Counsel, the request for stay is rejected.

(ABHAY AHUJA, J.)

KIRAN
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GHUGE

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