

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

Civil Revision Application NO. 58 OF 2024

Tukaram Gynaba Bali Deleted Thr Ajay

Tukaram Bali

...Applicant

V/s.

Habib Husain Karamali Patel

...Respondent

Mr. Ghulam Rasool for Applicant.

Ms. Aditi Naikare for Respondent.

CORAM : RAJESH S. PATIL, J.

DATED : 24 JANUARY 2024

P.C.:

1. This Writ Petition challenges impugned order dated 27 June 2003 passed in MARJI Application No.386 of 2022 (delay Conodation Application).

2. The Petitioner had filed an Appeal before the Appellate Bench of the Court of Small Causes challenging an exparte decree passed against them. In filing the said Appeal there was delay of a 427 days. Therefore, the Applicant had filed MARJI Application No.386 of 2022. In the said MARJI Application, the Petitioner stated that due to pandemic they were not able to file Appeal in time. It is further stated in the Application that the Petitioner has good case on merits.

3. I have heard both sides and I have gone through the contents of the Marji Application No.386 of 2022. I am satisfied that the Applicant has made out a case to condone the delay. Hence, Application is allowed.
4. Taking into consideration the submission made by the Petitioner in MARJI Application and law laid down by the Supreme Court in the Suo Moto Writ Petition (C) No.3 of 2020. The impugned judgment and order dated 27 June 2023 passed on MARJI Application No.386 of 2022, is quashed and set aside.
5. Appeal (ST) No.3 of 2023 be taken up on file and heard on merits by the Appellate Bench of the Court of Small Causes. The said Appeal is decided on own merits and the Appellate Bench to make an endeavour to dispose of the Appeal as expeditiously as possible.
6. The present Civil Revision Application is disposed of.

(RAJESH S. PATIL, J.)