

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.62 OF 2024

Sunita Abhaykumar Shaha

.. Applicant

Versus

Pravin Vasantryao Ghorpade

.. Respondent

.....

- Mr. A. A. Shaha a/w. Mr. Dhananjay Bhosale, Advocates for Applicant.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 26, 2024

P.C.:

- 1.** Heard Mr. Shaha, learned Advocate for Applicant.
- 2.** Application impugns order dated 08.11.2023 passed by the learned Trial Court condoning Application for delay in filing Application for restoration of the suit plaint which was dismissed for want of prosecution on 07.07.2017.
- 3.** Admittedly, there is delay of 3 years, 8 months and 10 days when the Application was filed. The said Application is at page No.39 of the Civil Revision Application and I have perused the same. Adequate reasons which are convincing are stated in paragraph Nos.3 and 4 of the said Application which *prima facie* cannot be disbelieved. The learned Trial Court while considering this Application and passing the impugned order on 08.11.2023 has returned a reasoned order.

4. Though Application has been filed on 18.03.2021, the Applicant would also be entitled to arrest of some limitation period from 15.03.2020 upto date of filing the Application in view of the order passed by the Supreme Court in *Suo Motu* Writ Petition No.3 of 2020 during COVID-19 Pandemic period and hence in that view of the matter, the delay would be much less than 3 years, 8 months and 10 days as stated in the Application.

5. The order dated 08.11.2023, impugned when seen and perused is a reasoned order which takes into account the reasons stated by the Plaintiff for non-prosecution. It is seen that Applicant who is Defendant resisted that Application and sought payment of costs of Rs.25,000/-. The learned Trial Court after considering the case of both the parties allowed the Application, condoned the delay with payment of costs of Rs.8,000/-. Appropriate and adequate reasons have been given by the learned Trial Court after referring to the citations of the Supreme Court in paragraph Nos.10, 11 and 12 of the order.

6. In view of the reasons returned by the learned Trial Court, I find no reason to interfere with the order, as sufficient cause has been explained in the Application which is at page No.39 and has been duly considered and appreciated by the learned Trial Court in paragraph Nos.10 and 11 of the order. The order dated 08.11.2023 is therefore

upheld and sustained.

7. In view of the above, Civil Revision Application is dismissed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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