



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAC) NO. 80 OF 2024

IN

CIVIL REVISION APPLICATION ST. NO. 20155 OF 2024

Meher Tabassum W/o. Ashfaque Ahemad thr. POA Holder Mohd. Ashfaque Ahmad

Vs.

Mohd. Yunus Sk. Budhan & Ors.

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. N.B. Kalwaghe, Advocate for the Applicant.

Mr. V.G. Lohia, Advocate for the Non-applicants.

CORAM : G. A. SANAP, J.

DATED : 13th DECEMBER, 2024.

1. Heard learned advocates for the parties. Perused the record and proceedings.

2. This is an application seeking condonation of 93 days delay in filing the civil revision application against the order dated 27th March, 2024. The reasons have been stated in the application.

3. It is contended that, after restoration of the suit, the summons was served upon the defendant/applicant. The advocate for the defendant then checked the status of the proceeding from the website and noticed that two applications had been filed for restoration. It is submitted that the fact with regard to the filing of the first restoration application, which was registered as M.J.C. No.2238/2022, was neither disclosed in the second application nor it was noticed by the defendant.

4. It is undisputed that two applications had been filed for restoration of the suit by the plaintiff. The first application

was withdrawn on 12th January, 2023, unconditionally. During the pendency of this application, another application, which was registered as M.J.C. No.768/2023, was filed on 1st December, 2022 with an application for condonation of delay. In my view, in the facts and circumstances, the main application is required to be heard and decided on merits. The reasons stated in the application, in my view, are sufficient to condone the delay.

5. Accordingly, the delay of 93 days in filing the civil revision application against the order dated 27th March, 2024, is condoned.

6. The civil revision application be registered.

7. The application stands disposed of.

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8. Heard.

9. Issue notice to the non-applicants.

10. Learned advocate Mr. V.G. Lohia waives service of notice on behalf of the non-applicants.

11. Three weeks' time is granted for filing reply, if any.

12. Liberty is granted to the learned advocate for the defendant to apply for adjournment before the learned Trial Court.

13. The learned Judge shall consider it liberally.

14. Stand over after three weeks.

(G. A. SANAP, J.)

Vijay