



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3735 OF 2024

Dnyaneshwar Ramkrishna Bankar

VERSUS

Vaishali Keshav Shende And Another

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Mr. P. A. Bharat, Advocate for the Petitioner

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CORAM : ROHIT W. JOSHI, J.

DATED : 20TH AUGUST, 2025

ORDER :-

. The petitioner takes exception to the order dated 01.11.2023, passed by the learned District Judge-4, Ahmednagar in MCA No.154 of 2023, thereby condoning delay caused in filing appeal against judgment and decree dated 04.01.2016, passed by the learned 3rd Joint Civil Judge Senior Division, Ahmednagar in Special Civil Suit NO.33 of 2014. Although, the delay is inordinate, it appears that the original defendant whose legal representatives have preferred the appeal had expired while the suit was pending and the legal representatives were not brought on record. The applicants have stated that they got knowledge about the said decree only on receiving notice in Special Darkhast No.18 of

2021 filed by the petitioner for execution of the decree.

2. The learned Court has accepted the explanation and has condoned the delay. Having regard to the reasons recorded by the learned Court, particularly to the fact that defendant had expired while the suit was pending, this Court sees no reason to interfere with the impugned order. Writ Petition is therefore dismissed.

3. At this stage, the learned Advocate for the petitioner makes a request for issuing directions to the learned Appellate Court to decide the appeal expeditiously. The judgment and decree passed by the learned Trial Court is dated 04.01.2016. The period of over nine years has lapsed since then. In that view of the matter, the learned Appellate Court is requested to decide the appeal expeditiously and in any case before 31.03.2026.

(ROHIT W. JOSHI, J.)