



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

57 CRA NO. 117 OF 2024

VIJAY NIVRUTTI VALTE AND OTHERS
VERSUS
AJIJ BASHIR SAYYED @ DAGU BASHIR SHAIKH AND
OTHERS

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Advocate for Applicants : Mr. Kanawade Ajay T.
Advocate for respective Respondents : Mr. Jadhav Kailas B.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 17.11.2025

PER COURT :-

1. Heard both sides.
2. Civil revision application is directed against order dated 02.12.2023 rejecting application for condonation of delay of 1884 days.
3. The parties have rival claim in respect of Gut No.365, situated at Dahigaon. Even the tenancy proceedings are also pending. Respondents having suffered earlier rejection in application No.37 of 2012, again filed application for succession certificate bearing No.48 of 2015. It was allowed by order dated 11.08.2016. Against that, appeal was preferred along with application for condonation of delay on 30.07.2021 seeking condonation of delay of 1884 days.

4. The respondents objected the application for condonation of delay. By order dated 02.12.2023, it was rejected. Perusal of the impugned order shows that Appellate Court considered the merits of the matter which is impermissible. There is no discussion as to the grounds of condonation of delay which were put forth by the applicants. Unless delay is condoned, it is impermissible to delve upon merits of the matter. Impugned order reflects total non-application of mind. The implication of rejection of earlier Miscellaneous Application No.37 of 2012 cannot be dealt with without condoning the delay. Impugned order is perverse and unsustainable.

5. Civil revision application is partly allowed quashing the impugned order and relegating the parties to Ad-hoc District Judge, Kopergaon to re-consider Civil Miscellaneous Application No.15 of 2021 to its own merits.

6. Parties shall appear before the District Court on 01.12.2025.

(SHAILESH P. BRAHME, J.)

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vmk/-