



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

CIVIL APPLICATION NO. 5174 OF 2025
IN CRAFT/10257/2025

Pandurang Saluba Navpute And Others
VERSUS
Kaduba Thamaji Chauthe And Another

Mr.A.K.Shingare, Advocate h/f. Mr.K.F.Shingare, Advocate for applicant
Mr.A.R.Gaikwad, Advocate for respondent nos.1 and 2

CORAM : AJIT B. KADETHANKAR, J.
DATE : OCTOBER 06, 2025

ORDER :-

The applicants/plaintiffs filed Regular Civil Suit No.312 of 2018 in the court of 17th Joint Civil Judge, Junior Division, Aurangabad, seeking perpetual injunction against the respondents/defendants. Despite service, the respondents did not appear in the civil suit and the suit was decreed in favour of the plaintiffs. The original defendants, who lost the opportunity to represent themselves in the civil suit, lodged Regular Civil Appeal in the Court of learned District Judge, Aurangabad. The said appeal was time barred by 111 days. The defendants, therefore, filed Civil Misc. Application No.107 of 2023 for condonation of delay, which came to be allowed by learned District Judge, Aurangabad. As against the order passed by learned District

Judge, Aurangabad, in Civil Misc. Application No.107 of 2023, present Civil Revision Application is filed protesting condonation of delay.

2. There is delay of 399 days in filing the Civil Revision Application, which applicants sought to be explained, contending that due to the death of original plaintiff no.2, rest of the applicants were not in the mental position.

3. Learned counsel for the respondents vehemently opposed the application, contending that the delay is neither properly explained nor the case in the Civil Revision Application is good on merit. He submits that as a result of the order passed by learned District Judge, now the parties are getting opportunity to deal with the main issue on merit. He, therefore, opposes the application and alternatively prays for saddling costs of Rs.10,000/- on the applicants, if this court condones the delay.

4. Upon hearing the parties and perusal of the record, I could see that since filing of the suit, the parties have never confronted with each other on merit. As in the suit the defendants remained absent and suffered decree against them, the defendants then filed appeal but by delay. Now, in Civil Revision Application original plaintiffs are belated. In view of this, in the interest of justice

I feel it appropriate to condone the delay caused in filing the Civil Revision Application. However, the respondents deserve some compensation from the applicants, as prayed by learned counsel for the respondents citing that the petitioners incurred cost from the defendants/respondents for condonation of delay in their Regular Civil Appeal.

5. Hence, the Civil Application is allowed in terms of prayer clause (B), subject to costs of Rs.5,000/- (Rupees Five Thousand), to be deposited in this court within four weeks from today. If the amount of costs is not deposited within the given time, the proceedings shall stand dismissed without further reference to the court. If the costs is deposited within the given time, the Civil Revision Application be registered.

[AJIT B. KADETHANKAR, J.]

KBP