



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

17 WRIT PETITION NO. 6746 OF 2024

**WACHHALABAI AMBU CHITALKAR AND OTHERS
VERSUS
MAHADU DHULA CHITALKAR DIED THROUGH LRS TAIBAI
ALIAS TARABAI MAHADU CHITALKAR AND OTHERS**

...
Mr. Yogesh Thorat, Advocate for the petitioners.

...
**CORAM : R.G. AVACHAT AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 1 APRIL 2025

P.C. :

1. Heard learned Counsel for the petitioners.
2. Under this petition, the petitioners are seeking direction to learned 2nd Additional District Judge, Shrirampur to decide the Misc. Application No. 52 of 2016 in Regular Civil Appeal No. 365 of 1996 on it's own merit within a period of three months. Learned Counsel for the petitioners submits that all the respondents in that misc. application, which is for condonation of delay in restoring the main appeal, are already served. According to learned Counsel for the petitioners, said misc. application is pending for about 8 years. Under such circumstances, instead of issuing notice to the respondents,

the petition can be disposed of by giving suitable direction to the concerned District Judge.

3. In view of the same, the petition stands allowed in terms of prayer clause (B). However, the period for deciding Misc. Application No. 52 of 2016 in RCA No. 365 of 1996, if not decided, is granted for six months from the date of communication of this order.

4. The petition is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)

(R.G. AVACHAT,J.)