



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1004 WRIT PETITION NO. 6646 OF 2022

HAFIZABEE SIKANDAR PATHAN

VERSUS

SAYED FAKIR SAYED ABUL MITTU AND OTHERS

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Mr. Vivek V. Bhavthankar – Advocate for Petitioner

Mr. Akash D. Gade – Advocate for Respondent Nos.1 to 4

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 19.12.2025

PER COURT :

1. Heard learned Counsel for the respective parties.
2. By way of this petition, the petitioner assails the order dated 02.05.2022 passed below Exhibit-1 in Misc. Application No.30/2019 by the District Judge-2, Ambajogai, whereby the application filed by the respondent for condonation of delay in bringing legal heirs on record in Regular Civil Appeal No.55/1999 came to be allowed.
3. I have gone through the order passed by the learned appellate Court. The facts brought on record reveal that Regular Civil Appeal No.55/1999 came to be dismissed for default on the ground that the legal heirs were not brought on record. An application for restoration of the appeal was filed thereafter. Though the said application runs into eight

pages, the reasons stated for the delay were that the applicant was suffering from mental disturbance and that she was not a resident of village Radi, where the suit property is situated, but was residing at village Poos, which is situated at a distance of more than 40 kilometers from the suit property.

4. As the dispute pertains to the suit property, it is for the appellate Court to adjudicate the *inter se* rights of the parties on merits in the appeal. In the circumstances, I do not find any reason to interfere with the order under challenge, whereby the delay has been condoned and the appeal has been restored.

5. In view thereof, the Writ Petition is dismissed. No order as to costs.

[SIDDHESHWAR S. THOMBRE]
JUDGE

Pooja Kale/