

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 327 OF 2022

Ukhardu Tapiram Bavaskar

VERSUS

Sulabai Shankar Bhoi

...

Advocate for the Petitioner : Mr. Bhokarikar Madhav M.

Advocate for Respondent : Mr. Patil Vijay Y.

WITH

CIVIL APPLICATION NO. 16313 OF 2022

IN WP/327/2022

...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 04, 2025

PER COURT :

1. Heard learned counsel for respective parties.
2. Present petition is directed against the order dated 16.08.2021 passed below Exhibit-17 by the learned District Court, Jalgaon in Misc. Civil Application No.317 of 2017, whereby the application for delay in restoration of appeal came to be allowed.
3. Mr. Bhokarikar, learned counsel for the petitioner submits that there is a fraud played by the respondent while filing an application for delay condonation in restoration of the appeal.
4. I have gone through the order passed by the learned District Court. The learned Trial Court in para 7 has held as under :

“7] It is not in dispute that, the non applicant has filed the execution of the decree before Civil Judge, Jr. Division, Jamner on 31.01.2017 and it was registered on 07.02.2017. Applicant

has stated on oath that, after service of notice, she had been to the Jamner Court on 07.03.2017. At that time she came to know about the dismissal of the appeal. The certified copies of the impugned order shows that, she had applied for the certified copy in District Court, Jalgaon, through another Advocate on 15.03.2017. Considering these circumstances, it appears that, there is sufficient reason for the delay of about 6 years 3 months for filing the application for restoration of appeal. If the delay is not condoned, it will cause gave prejudice to her. On the contrary. the interest of the non applicant can be secured by awarding suitable costs.”

5. After going through the findings recorded by the learned Trial Court, I do not find any reason to interfere with order dated 16.08.2021 passed below Exhibit-17 by the learned District Court, Jalgaon in Misc. Civil Application No.317 of 2017.
6. By keeping that issue open, the petition is disposed of.
7. Both the counsels submit that the appeal is of the year 2006. The same be decided within a period of six months from today.
8. Pending civil applications stand disposed of.

(SIDDHESHWAR S. THOMBRE, J.)