



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

978 WRIT PETITION NO. 13810 OF 2023

SHIVPRASAD MANMATH SWAMI

VERSUS

ANITA SIDDESHWAR SAWALE

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Mr. Raviprasad K. Ashtekar – Advocate for Petitioner

Mr. S.V. Gundre – Advocate for Respondent

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 12.12.2025

PER COURT :

1. Heard learned Counsel for the respective parties.
2. The petitioner challenges the order dated 05.07.2023 passed by the Civil Judge, Senior Division, Ahmedpur, Dist. Latur, in Civil Misc. Application No.2/2017, whereby the application filed by the petitioner for condonation of delay in filing the restoration petition came to be rejected.
3. Learned Counsel for the petitioner submits that the application for condonation of delay was rejected despite the petitioner having satisfactorily explained the delay 59 days in filing the restoration application. It is submitted that the learned Trial Court failed to consider the reasons assigned in the application.

4. Per contra, learned Counsel for the respondent vehemently opposed the petition on the ground that the petitioner has not properly explained the delay.

5. Having heard learned Counsel for both sides and on perusal of the record, this Court finds that the delay of 59 days in filing the restoration application has been sufficiently explained. In the interest of justice, the order passed by the learned Trial Court is liable to be quashed and set aside.

6. In view of the above, the Writ Petition is allowed. The order dated 05.07.2023 passed by the Civil Judge, Senior Division, Ahmedpur, Dist. Latur, in Civil Misc. Application No.2/2017 is quashed and set aside.

7. The delay of 59 days in filing the restoration application is condoned, subject to the petitioner depositing costs of Rs.5,000/- (Rupees Five Thousand only) with the Advocates Bar Association Library, Ahemadpur, Dist. Latur, within a period of two (2) weeks from today.

[SIDDHESHWAR S. THOMBRE]
JUDGE