



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

940 WRIT PETITION NO. 13009 OF 2024

Kamal Arjun Karanjule & anotherPetitioners

VERSUS

Nana Shriram Diwate & othersRespondents

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Mr. Swapnil Joshi, Advocate holding for Mr. D. B. Rode, Advocate for the Petitioners.

Mr. P. K. Palve, Advocate for Respondent No. 5.

Mr. V. V. Deshmukh, Advocate for Respondent No. 6.

CORAM : R. M. JOSHI, J.

DATE : 29th APRIL, 2025.

PER COURT :

1. This petition takes exception to the order dated 18.09.2024 passed by District Judge – 1, Shrigonda in Civil Misc. Application No. 3/2024 filed by Respondent by condonation of delay of 271 days in filing appeal against the Trial Court allowing Exhibit 5 in Regular Civil Suit No. 421/2022.

2. Learned counsel for Petitioners has drawn attention of the Court to the application filed before the District Court for

condonation of delay. According to him, there is no specific reason/justification given for condonation of delay. It is his further submission that no particulars are given as to when audit has been conducted which, according to the contesting Respondent, is the reason for not filing appeal within limitation. He further drew attention of the Court to the reply filed by Petitioner before the Appellate Court indicating that the contesting Respondent has failed to make out sufficient cause for condonation of delay.

3. Learned counsel for contesting Respondent supports the impugned order.

4. This is not a case wherein there is absolutely no reason given by the contesting Respondent for condonation of delay. Appellate Court has recorded finding of fact indicating that delay has been sufficiently explained. In absence of any perversity in the said finding, in exercise of writ jurisdiction, no interference is required to be caused in the impugned order. Apart from this, no prejudice will be caused to the Petitioners if Misc. Civil Appeal against order passed below Exhibit 5 is entertained. It is always open for the Petitioners to defend order passed by the Trial Court below Exhibit 5.

5. In view of the above discussion, petition stands dismissed.

(R. M. JOSHI)
Judge

dyb