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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.375 OF 2012

Smt. Muktabai Kaka Patil & Ors. .. Petitioners

Versus

Rajaram Gunda Jadhav & Ors. .. Respondents

Mr. Pramod G. Kathane a/w Mr. Amol Ghurde for petitioners.
Mr. Mahindra Deshmukh for respondent nos.1 to 5.

CORAM: ALOK ARADHE, CJ.

DATE: 15th JULY, 2025

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ORAL ORDER:

1. In this petition filed under Article 227 of the Constitution of India, the petitioners have assailed the validity of the order dated 14th January, 2011 passed by the Civil Judge, Junior Division, Islampur, below Exhibit-1, in Misc. Application No. 31 of 2004, by which the application seeking restoration of RCS No. 802 of 1990 has been allowed.

2. Facts giving rise to filing of the present writ petition, in nutshell, are that the respondents had filed a Suit bearing RCS No. 802 of 1990 seeking relief for possession. The aforesaid suit was dismissed for want of prosecution on 9th April, 1996. Thereafter the respondents filed an application, namely, Misc. Application No. 31 of 2004 seeking restoration of the suit along with application for condonation of delay. During the pendency of the aforesaid proceedings, defendant

no.4 in the suit expired. Therefore, the respondents filed an application seeking substitution of the legal representatives of deceased defendant no.4 which was allowed on 7th March, 2011. The trial court, after hearing the parties, allowed the application seeking restoration of the suit and has restored the RCS No. 802 of 1990. Hence, this writ petition.

3. I have heard the learned counsel for the parties at length.

4. It is well settled legal proposition that expression "sufficient cause" should receive liberal consideration so as to advance the cause of justice. The trial court, after taking into account the reasons assigned in the application for restoration has restored the Suit filed by the respondents. The impugned order does not suffer either from any jurisdictional infirmity or any error apparent on the face of the record warranting interference in exercise of jurisdiction under Article 227 of the Constitution of India.

5. In the result, the writ petition fails and is hereby dismissed.

6. Let a copy of this order be communicated to the trial court.

(CHIEF JUSTICE)