

VRJ

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

WRIT PETITION NO.11640 OF 2025

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RAMESH
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Dipak Bhimgonda Parvate-Patil

... Petitioner

V/s.

Geeta Sanjay Jagtap & Ors.

... Respondents

Mr. R. L. Chavan for the petitioner.

Mr. Manoj M. Sable with Mr. Muralidhar P. Kharat for
respondent Nos.1 to 3.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : NOVEMBER 10, 2025

P.C.:

1. Present writ petition takes exception to order dated 25th August 2025 passed by learned Civil Judge, Senior Division, Kolhapur below Exhibit 28A in Special Darkhast No.20 of 2022. Petitioner's objection came to be filed noting that he was absent on the date of hearing. Petitioner, therefore, filed an application for review along with an application for condonation of delay of 23 days caused in filing review application. The petitioner has mentioned reason of his illness as on date of hearing and, therefore, seeks review.

2. Learned Executing Court refused to condone delay for reason that the ground of medical emergency is not supported by documentary evidence. Learned Executing Court has also made certain observations on merits of the matter, which cannot be countenanced.

3. In facts of the case, learned Executing Court ought to have adopted liberal approach in the matter of condoning delay. The contention about illness is not specifically refuted. In this background, the impugned order cannot be sustained in law.

4. In result, writ petition is allowed.

5. The application below Exhibit 28A filed by petitioner in Special Darkhast No.20 of 2022 is allowed. Delay of 23 days caused in filing review application is condoned.

6. Learned Executing Court shall register review application and pass further orders within a period of six weeks from today.

(S. G. CHAPALGAONKAR, J.)