



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 5834 OF 2019

(S. Senthil Babu s/o V. Subbiyan vs. Virchand Narsi Cotton Pvt. Ltd.)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. G.O.Gadge, Advocate h/f Mr. P.S.Kshirsagar, Advocate for petitioner.
Mr. Rohan Deo, Advocate for respondent.

CORAM : SIDDHESHWAR S. THOMBRE, J.
NOVEMBER 11, 2025

- 1) Heard learned counsel for the respective parties.
- 2) The present petition is directed against the order dated 28/06/2019 passed by the learned Civil Judge, Senior Division, Malkapur in M.J.C. No.18/2018, whereby the application filed under Section 5 of the Limitation Act for condonation of delay caused in filing the application for setting side ex-parte decree, came to be rejected.
- 3) Learned counsel for the petitioner submits that though the applicant was served with the summons, subsequent proceedings were not communicated to him by his counsel and therefore, he could not remain present when the matter was taken up which resulted in ex-parte decree.
- 4) Learned counsel for the respondent strongly opposed and submits that due to the negligent and lethargic approach of the applicant/petitioner, the respondent herein was suffered. Hence, the petition may be dismissed.
- 5) In view thereof, without going into the merits of the matter, the delay of about 790 days caused in filing application

for setting aside the ex-parte decree is hereby condoned subject to costs of Rs.50,000/- (Rupees Fifty Thousand only). The amount of costs be deposited in this Court within a period of two weeks from today. After depositing the said amount, it be paid to “National Cancer Institute, Nagpur”.

- 6) The petition disposed of in the above terms.

(SIDDHESHWAR S. THOMBRE, J.)