



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

WRIT PETITION NO. 4875 OF 2024

Babita Wd/o Ashok Duge

..VS..

Ramji Keshav Duge (Since Dead) through his LR's. and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Sanket Bhalerao, Advocate h/f. Mr. Madhur Deo, Advocate for
petitioner.

CORAM : SMT. M.S. JAWALKAR, J.

DATED : JANUARY 27, 2025

1. Heard learned Counsel for the petitioner.
2. In-spite of service, none appears on behalf of respondent.
3. The Petitioner is challenging the order dated 21.06.2024 passed by learned Principal District Judge, Gadchiroli, below Exhibit-1, in Civil Misc. Application No.46/2023, whereby the petitioner herein challenged the order passed by learned Civil Judge, Senior Division, Gadchiroli in MJC No.113/2019, thereby she has sought Revocation of Succession Certificate under Section 383 of the Indian Succession Act, 1925. In preferring the said appeal, there is a delay of 134 days. The said application came to be rejected by the learned Principal District Judge, Gadchiroli.

4. I have gone through the application filed by the petitioner, wherein it is specifically mentioned in para 4 of the application that she is working as “Talathi” at Etapalli, which is around 120 Kms. away from Gadchiroli and the said area is naxal affected area. It is also submitted that when the impugned order was passed on 23.06.2023, during that period, there was elections of Gram-panchayat of villages at Etapalli. The petitioner was engaged in election duty and since she was working in naxal affected area, she was not granted leave. There was also a problem of transportation, since it is a naxal affected area. She could not contact with her Counsel for legal advice therefore, she could not take any step. As per the advice, she earlier approached to the Counsel at Nagpur, however, it was informed that the appeal would lie before the District Court and not before the High Court.

5. As such, the reasons mentioned in the application, which are sufficient to condone the delay, however, it appears that very unreasonable approach was taken by the learned District Judge and rejected the application. It is time and again the Hon’ble Apex Court as well as this Court laid down that there is no need to explain day to day delay and it has to be considered liberally. There is no intentional or deliberate delay appearing from the application, neither it is huge delay which cannot be considered by the learned Principal District Judge. Considering the reason and the area is naxalite area,

even Judicial note of the same can be taken. As such, the impugned order is liable to be set aside.

6. Accordingly, the Writ Petition is **allowed**.

7. The impugned order dated 21.06.2024, passed by learned Principal District Judge, Gadchiroli, below Exhibit-1, in Civil Misc. Application No.46/2023, is hereby quashed and set aside. The delay of 134 days caused in filing appeal is hereby condoned.

8. The Registrar at District Court, Gadchiroli is directed to register the Appeal and place before the learned Principal District Judge for further order.

9. The Writ Petition stands disposed of in the above terms.

(SMT. M.S. JAWALKAR, J.)