



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

109 CIVIL APPLICATION NO. 11377 OF 2024
IN CRAFT/29163/2024

SOW. VIDYA SURESH KULKARNI
VERSUS
SHANKAR MANSINGH MADARE AND OTHERS

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Mr. Rohit R. Dhongade h/f. Mr. S. S. Kulkarni, Advocate for Applicant
Mr. L. B. Palod, Advocate for Respondent No.1

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 05.01.2026

PER COURT :-

- . Heard both sides.
2. Applicant seeks to condone delay of 374 days in preferring the revision application. It is submitted that the delay needs to be condoned for the reasons stated in paragraph 9 and 10 of the application. The delay is unintentional and occurred due to peculiar circumstances. The revision could not be filed as the applicant was under impression that the suit was dismissed for non-compliance but later on, it revealed that MCA No.171 of 2023 was filed by the respondent-plaintiff before the lower Appellate Court.
3. Learned counsel Mr. C. B. Palod, appearing for respondent-

plaintiff submits that the reasons stated in paragraph 9 of the application is insufficient. No proper explanation has been tendered. The contention that the applicant was waiting and she was unaware of the proceeding before the District Court cannot be countenanced. It is submitted that the limitation for preferring the revision was already over when application for condonation of delay was preferred by the respondent on 12.12.2023. It is further submitted that the order dated 19.09.2024 below exhibit 23 was subsequently quashed in writ petition and the matter is relegated to lower Appellate Court for deciding the application exhibit 23 afresh.

4. I have considered rival submissions of the parties. I have gone through the reasons stated in paragraph 9 and 10 of the application, which have not been controverted by respondent by filing reply. There is nothing on record to infer any malafides on the part of the applicant to prefer the revision belatedly.

5. It's a matter on record that the impugned order was passed on 03.07.2023 below exhibit 32. The period to comply the order lapsed on 18.07.2023 and thereafter the plaint was rejected vide order dated 18.07.2023 below exhibit 1 for non compliance on the part of the plaintiff. The order dated 18.07.2023 was challenged belatedly by the respondent-plaintiff by

filing MCA No.171 of 2023 on 12.12.2023. After receiving the notices, applicant learnt about the proceeding and caused appearance. Thereafter, vide order dated 19.09.2024 passed below exhibit 23, the delay was condoned.

6. I do not find that there are any lapses or any oblique motive on the part of the applicant. The respondent-plaintiff approached lower Appellate Court belatedly by filing application for condonation of delay. The reasons stated in paragraph 9 of the application is probable. Though the order below Exhibit 23 is quashed and the matter is relegated to the lower Appellate Court, that would not change the situation. I propose to adopt the pragmatic approach by condoning the delay and to decide the matter on merits.

7. Civil application is allowed in terms of prayer clause "B".

(SHAILESH P. BRAHME, J.)