IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6373 OF 2015

Ashta Municipal Corporation ...Petitioner
Versus
Shri. Pradip Nanasaheb Patil And Anr. ...Respondents

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Adv. Manoj Sabale a/w Adv. Abhishek Ganbawale i/b Adv. Aditya Desai, Advocate for Petitioner.
Adv. S. M. Potdar, Advocate for Respondent No.1.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 06th OCTOBER, 2026.

P.C. :

Heard.

2. The petition is directed against judgment and order dated 24.06.2014 passed in M.A. No. 34 of 2011, whereby prayer to condone the delay of two years and two months is rejected.

3. The learned counsel for the petitioner submits that the delay is not intentional. The petitioner - Corporation sincerely wants to prosecute the suit for the recovery of amount of Rs. 95,676/-, which is public money. It is further submitted that due to shortage of staff and frequent transfers of the officers, the petitioner was unable to keep

track of the suit. The learned counsel for the petitioner, on instructions of his client, undertakes that every precaution shall be taken for prosecuting the suit and its expeditious disposal.

4. The submissions of the petitioner are contested by the learned counsel for respondent No. 1. She supports the impugned order.

5. I have gone through the impugned order and the nature of the proceedings. The suit is filed for recovery of amount of Rs. 95,676/-. The respondents were the contractors who were appointed for collection of octroi. The last installment was failed to be remitted to the petitioner - Corporation.

6. The suit was dismissed for default on 29.10.2007. M.C.A. No. 69 of 2007 was preferred for restoration of suit, but it was also dismissed for default on 10.02.2009. Being aggrieved, an application for restoration along with an application for condonation of delay was filed on 18.04.2011. The application for condonation of delay bearing M.A. No. 34 of 2011 was rejected vide impugned order dated 24.06.2014.

7. The petitioner is a body corporate. The reasons have been given for condonation of delay of two years and two months. There is no reason to infer any oblique motive on part of the petitioner in preferring the application for condonation of delay belatedly. The public money is involved. It would be in the interest of justice to grant one opportunity to the petitioner - Corporation to prosecute its suit on merits. The

learned counsel for the petitioner has undertaken that his client would cooperate for expeditious disposal of the suit.

8. The writ petition is allowed by quashing the judgment and order dated 24.06.2014 passed in M.A. No. 34 of 2011. M.A. No. 34 of 2011 stands allowed on condition that, if the petitioner - Corporation succeeds, it shall not be entitled to claim any interest from 29.10.2007 till 18.04.2011.

9. The petitioner shall cooperate for expeditious disposal of the suit. Any laxity on its part will not be tolerated. The petitioner shall furnish an undertaking to the Trial Court ensuring cooperation for expeditious disposal of the suit within a period of two weeks from today.

[SHAILESH P. BRAHME, J.]