

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.7995 OF 2025
IN
CIVIL REVISION APPLICATION (ST) NO.15557 OF 2025**

Kundalik Pandurang HatkarApplicant
Vs.
Tukaram Dhondiba ShewaleRespondent

Mr. Manoj Sabale with Mr. S. Karekar, for the Applicant.
Mr. D. V. Sutar with Mr. Shashank Chavan, Ms. Reshma Adnaik, Ms. Shrutika Ghadake, Mr. Omkar Sutar, for Respondent No.1, 5A, 5B.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 20th JANUARY 2026

PC.:-

1. Heard learned counsel appearing for the respective parties.
2. The Applicant has filed this Application for condonation of delay in filing the Civil Revision Application.
3. The Applicant is Original Defendant No. 4. The suit was filed for specific performance, and the Applicant is a subsequent purchaser of the suit property. The Applicant has filed the Application under Order 7 Rule 11 of the Civil Procedure Code, contending that there is

no cause of action against him as the description of the property in the plaint differs from that in his sale deed. There is a delay of 361 days in filing this Civil Revision Application. The reasons given by the Applicant are that he required time to search for a proper advocate. Being a teacher by profession and with the matter pending before the Mumbai Court, it was difficult for him to engage a suitable advocate, which led to the delay.

4. The learned counsel appearing for the Respondent, i.e., the Plaintiff, has submitted that the reasons given by the Applicant are not sufficient to condone the delay. There is an inordinate delay of nearly one year. Hence, the prayer is made to reject the Application. The Respondent also contends that as Defendant No. 4, the Applicant has stated there is no cause of action against him and that the suit may be dismissed against him.

5. The Applicant has also raised the ground of limitation. Considering the reasons given in the Application, the delay is condoned, subject to costs of Rs.20,000/- to be paid to the Plaintiff within a period of four weeks. The Application is allowed.

6. On depositing the aforesaid amount, the office is directed to register the Civil Revision Application.
7. Stand over to **17th February 2026.**

(MRS. VRUSHALI V. JOSHI, J.)