



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

CIVIL REVISION APPLICATION NO.57/2026

Smt. Vidyavati w/o Rampal Sahu

...Versus...

Shri Ramesh Ukhardaji Masaye

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

Court's or Judge's orders

Mr. E.S. Sahasrabuddhe, Advocate for applicant

CORAM : ROHIT W. JOSHI, J.

DATE : 21/04/2026

1. A suit for specific performance of contract being Special Civil Suit No.144/2006 was decreed against the revision-petitioner vide judgment and decree dated 20/11/2007, passed by the learned Joint Civil Judge, Senior Division, Wardha. Although written statement was filed in the said civil suit, the revision-petitioner did not contest the suit further.

2. The revision-petitioner had initially filed an application for review vide M.J.C. No.3/2012. However, the said application was withdrawn on 27/02/2014, with a view to file appeal in order to challenge the decree for specific performance. Thereafter, on 20/07/2015 M.A.N.R.J.I. No.21/2017 was filed, seeking condonation of delay caused in filing Regular Civil Appeal, against the aforesaid decree for specific performance of contract. The said application was allowed by the learned District Judge-1, Hinganghat vide

order dated 11/12/2019. The learned Court directed the revision-petitioner to deposit costs of Rs.1,000/-. The costs were not deposited within the stipulated period. The revision-petitioner filed an application for extension of time to deposit the cost. The application came to be registered as M.J.C. No.2/2026. The said application for extension of time is rejected vide order dated 27/03/2026, passed by the learned District Judge – 2, Hinganghat. This order is subject matter of challenge in the present Civil Revision Application.

3. The learned Advocate for the revision-petitioner contends that revision-petitioner is a poor and an illiterate lady. He contends that the costs could not be deposited due to communication gap between the learned Advocate representing the review-petitioner and the revision-petitioner. Attention is drawn to the affidavit of the Advocate filed on record, as also to the evidence of the revision-petitioner to contend that the mistake was not wilful or deliberate.

4. The order passed by the learned Court indicates proper appreciation of all the relevant facts. The learned Court has taken into consideration the evidence of the revision-petitioner and found that the same is not trustworthy. The revision-petitioner did not standby her affidavit of examination-in-chief during the course of cross-examination. The learned Advocate, who was examined as PW-2, stated that the case file was returned to the revision-petitioner after the application for condonation of delay was allowed. He did not assert positively that the order was not communicated to the revision-petitioner. The statement that the case file was returned to the revision-petitioner in Christmas Vacation of

2019 renders the explanation that the order was not communicated, is unbelievable, since the order was passed on 11/12/2019, shortly before commencement of Vacation.

5. It must be stated that the revision-petitioner was all while not diligent in prosecuting the proceeding. Agreement between the parties is dated 09/12/2005. The suit was decreed on 20/11/2007. Application for review was filed in the year 2012 and it was withdrawn in February, 2014. After a period of around 15 months thereafter appeal was filed along with application for condonation of delay. Although the learned first Appellate Court allowed the application, adopting a very liberal approach, the costs had not been paid for a period of around seven years and application for extension of time in that regard came to be filed on 06/01/2026. The explanation offered for the delay is also not convincing.

6. In view of the aforesaid, in the considered opinion of this Court, the learned District Judge has not committed any error, much less any error of jurisdiction in rejecting the application, seeking extension of time to deposit the costs.

7. Civil Revision Application is, therefore, rejected.

(ROHIT W. JOSHI, J.)