

IN THE HIGH COURT OF JUDICATURE OF BOMBAY,
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 1843 OF 2011
IN
SECOND APPEAL (ST) NO. 24080 OF 2000**

Shaikh Murtuja S/o Shaikh Afjal ... Applicant

Versus

Hahibshah S/o Jalalshah & Others ... Respondents

.....
Mr. S.S. Choudhari , Advocate for Applicant
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CORAM : RAVINDRA V. GHUGE, J.

DATED : 18th MARCH, 2015

PER COURT :

1. This application has been filed for seeking condonation of 2869 days delay for seeking the quashing of the order of the Registrar 13-03-2003 by which Registration to the Second Appeal was refused.
2. Shri Coudhari learned Advocate indicates from paragraph No. 1 and 2 of the application as regards the reasons supporting the requests/ prayer made in this application.
3. I find from the pleadings in the Civil Application that the applicant Shaikh Murtuja had proceeded to Mumbai and was searching for a job. Besides this statement, there are no

pleadings in the application to indicate as to why Shaikh Murtuja had caused a delay of 2869 days for seeking recalling of the order dated 13-03-2003.

4. The details of about three children of the applicant, their age and the illness of the mother of the applicant are stated in the application. One sister of the applicant is said to be unmarried. Daughters of the applicant were to get married. In my view, these details have no nexus with the delay of eight years and eleven months caused by the applicant in making this Civil Application.

5. Moreover, this application was filed on 28-01-2011 and no hearing was sought in the past about four years.

6. Taking into account these factors and in view of the only contention of the applicant that he had left for Mumbai, in my view, delay of eight years and eleven months is not explained much less, justified.

7. As such, this Civil Application is rejected.

(**RAVINDRA V. GHUGE, J.)**