

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11958 OF 2014

Shree Sham Agencies,
Dondaicha, through its Proprietor

..PETITIONER

VERSUS

Jugalkishor Badrinarayan Chitlange

..RESPONDENT

Mr Shailesh P. Brahme, Advocate for petitioner

CORAM : N.W. SAMBRE, J.

DATE : 23rd February, 2015

ORAL ORDER :

Heard learned Counsel appearing on behalf of the petitioner/original defendant.

2. The petitioner/defendant suffered money decree vide judgment and decree dated 23rd September, 2008, passed by Civil Judge Junior Division, Nandurbar, in Regular Civil Suit No.50 of 2006.

3. The petitioner, feeling aggrieved by the aforesaid judgment and decree, preferred first appeal before the Lower Appellate Court accompanied by Misc. Application No.4 of 2010, for condonation of delay caused in preferring the appeal. The learned Additional District Judge, Nandurbar, has rejected the said application vide order dated 25th March,

2014, which is challenged in the present writ petition.

4. Amongst other, the cause cited in support of condonation of delay was the visit of the Lawyer of the petitioner to foreign country and illness of the father of the petitioner/defendant.

5. The learned Lower Appellate Court, while dealing with the said application, has noticed that there is delay of 551 days. The learned Lower Appellate Court has also taken into account the cause cited before it, i.e. the foreign visit of the Lawyer of the petitioner and the illness of his father.

6. The learned Lower Appellate Court has rejected the application as sufficient cause in support of the claim for condonation of delay was not properly established.

7. With the assistance of learned Counsel for the petitioner, I have gone through the pleadings made in application for condonation of delay and observations made by the Lower Appellate Court in the impugned order. It is noticed that the cause cited before the learned Lower Appellate Court is not substantiated by any documentary evidence. The illness of the father of the petitioner is also not appropriately explained. As such, no bona fide reasons could be noticed for condoning the delay.

8. In the light of what has been stated above, writ petition being devoid of merit, stands dismissed with no order as to costs.

(N.W. SAMBRE, J.)

amj