

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

LETTRS PATENTS APPEAL NO.St.18005 OF 2011
IN
WRIT PETITION NO.2679 OF 2010

Smt. Chindhabai Ananda Teli Appellant

Versus

Smt. Gangubai D/o Ananda Teli Respondent

Mr. N.L. Choudhari advocate for the appellant

CORAM : R.M. BORDE &
P.R. BORA, JJ

Dated : 3rd March, 2015.

PER COURT :-

1 This is an appeal taking exception to the order passed by the learned single Judge dated 28.2.2011, dismissing the writ petition, wherein an order passed by the first Appellate Court refusing to condone the delay occurred in presenting the appeal was a matter of challenge.

2 The respondent, who is the daughter of the appellant, presented a suit claiming declaration and perpetual injunction. The respondent claimed entitlement to the property on the basis of will-deed, executed by her father i.e. husband of the appellant. The suit came to be decreed and the Judgment and decree passed by the Court was subjected to challenge in the appeal before the first Appellate Court. There was delay of more than one year in

presenting the appeal, which was not properly explained. As such, the learned Judge of the first Appellate Court proceeded to reject the application tendered by the appellant, claiming condonation of delay. The order passed by the first Appellate Court has been confirmed by the learned single Judge of this Court while dealing with Writ Petition No.2679 of 2010 on 28.2.2011. The order passed by the learned single Judge in 2011 is challenged in this Letters Patent Appeal.

3 This appeal itself is barred by time. Even on consideration of merits of the contentions, we do not find any justifiable reason for causing interference in the order. The delay occurred in presenting the appeal has not been properly explained by the appellant and as such, the order passed by the first appellate Court, refusing to condone the delay does not call for any interference. Even the delay caused in presenting the instant appeal has also not been properly justified. The appellant, all along, is quite negligent in prosecuting the litigation.

4 For the reasons recorded above, the Letters Patent Appeal being devoid of substance, stands dismissed.

(P.R. BORA, J)

(R.M.BORDE, J)