

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION STAMP NO.3345 OF 2015

Balasaheb Ratan Punde and anr. : Petitioners
versus
Pralhad Ratan Punde and ors. : Respondents.

Mr. V B Tapkir for the Petitioners.

CORAM : R. M. SAVANT, J.
DATE : 08th September 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 02/01/2015 passed by the learned District Judge-15, Pune by which order the application being Civil Misc. Application No.308 of 2012 for condonation of delay of 3 years 6 months and 24 days in filing the Appeal came to be rejected.

2 The condonation of delay was sought on the ground that the opponents had misguided the Petitioners and had committed fraud on the Petitioners. The second ground was the ignorance of law of the Petitioners. In so far as the first ground is concerned, the Lower Appellate Court has held that except the bare words of the Applicants, there is nothing on record placed by the Applicants in support of the said ground. In so far as the second ground of ignorance of law of the Petitioners is concerned, the Lower Appellate Court

held that the same cannot be a reason for delay in filing the Appeal. The Lower Appellate Court held that since in matters of condonation of delay, the discretion has to be exercised judiciously. In the facts of the present case the said discretion could not be exercised in favour of the Applicants.

3 In my view, having regard to the said huge delay of 3 years, 6 months and 24 days in filing the Appeal and considering the reasons mentioned by the Applicants, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]

Certified to be true and correct copy of the original signed order.