

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.912 of 2009

In

Second Appeal Stamp No.7150 of 2009

(Nivrutti Namdeo Pawar and others v. Narayan Murlidhar Tambe and
others)

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

Shri Uday Warunekar, Advocate for Applicants.

Shri Dilip Bodke, Advocate for Non-Applicants.

Coram : R.K. Deshpande, J.

Dated : 23rd June, 2015

The Trial Court partly decreed the suit filed for specific performance of contract. However, the Appellate Court has reversed the decree for specific performance of contract, but the plaintiffs are held entitled to recover an amount of Rs.7,000/- from the defendants with interest at the rate of 6% per annum from the date of filing of the suit till realization. Thus, the plaintiffs are before this Court in this second appeal seeking specific performance of contract.

There is a delay of 757 days caused in filing the filing the second appeal. The reasons assigned are that the plaintiffs are illiterate persons, that they had no means, and that they were not aware about filing of an appeal within a stipulated period. I do not find that such reasons constitute a sufficient cause to condone the delay. Thus, the civil application is liable to be dismissed.

The civil application stands dismissed.

Judge.

Lanjewar