

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

WRIT PETITION NO.7452 OF 2014

Ashfaue Hussain Sayyad

Through his constituted power of attorney

Sayyad M Shafi

: Petitioner.

Versus

Madan Ramchand Jagasia

: Respondent.

Mr. P K Hushing for the Petitioner.

CORAM : R. M. SAVANT, J.

DATE : 20th October 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 03/05/2014 passed by the learned Principal District Judge, Raigad-Alibag by which order Civil Misc.Application No.124 of 2012 filed by the Appellant for condonation of delay in filing the Appeal came to be allowed and resultantly, the delay in filing the Appeal came to be condoned. The reason given by the Applicant viz. he had handed over the papers to his advocate one Shri Abhay D Parab for filing the Appeal, who on account of his pre-occupation could not file the Appeal resulting in the delay in filing the same, commended acceptance to the Lower Appellate Court. The Lower Appellate Court by adverting to the various dates has ultimately come to a conclusion that there is a delay of 155 days in filing the Appeal. The Lower Appellate Court has imposed costs of Rs.5,000/- on the Appellant out of which an amount of

Rs.3,000/- to be paid to the opponent and Rs.2,000/- to be deposited with the District Legal Services Authority, Rgiad Alibag. It is on the pains of such costs that the application has been allowed.

2 Since the Lower Appellate Court deemed it appropriate to exercise discretion in favour of the Appellant, this Court does not deem it fit to interfere with the said discretion. In that view of the matter, 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]