

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 708 OF 2014
IN
CIVIL REVISION APPLICATION (STAMP) NO. 22207 OF 2014

Sau. Sumanbai S. Khairnar .. Applicant
VS.
Sau. Jayashri E. Bhosekar & Ors. .. Respondents

Mr. Pritesh Bohade for Applicant.

CORAM : M. S. SONAK, J.
DATE : 10 AUGUST 2015

P.C. :-

- 1] This civil application seeks condonation of delay of 2 years and 254 days in filing the CRA.
- 2] The only reason set out in the civil application is that the applicant is aged about 73 years, suffering from knee joint problems, uneducated and was not sure whether she will be able to bear the expenses of instituting a revision application in Mumbai.
- 3] There are absolutely no particulars submitted in the context of knee joint problems or for that matter financial capacity of the applicant. Although, at the stage of consideration of application for condonation of delay, reference is not to be made to the merits or demerits of the impugned order, in the present case, some limited reference is necessary to the position which emerges from the record. This is necessary because in the application seeking

condonation of delay there are no particulars furnished and even though the delay is of 2 years and 254 days, absolutely vague averments have been made in the application seeking condonation of delay.

4] From the depositions on record, it is clear that the applicant has about 3 to 4 shops, in which the applicant, her husband and her son carry on garments / cloth business. The material on record indicates that such business is being carried out by the applicant and her family members since the year 1964. This circumstance is quite sufficient to rebut the plea of financial difficulties or the so-called knee joint problems.

5] As noted earlier, there is virtually no cause shown in the civil application and the affidavit accompanying the same. The averments in paragraph 3 of the civil application are vague and inspire no confidence whatsoever. The applicant appears to be bent upon postponing the execution of eviction decree by merely instituting the CRA after inordinate delay of 2 years and 254 days, on the said basis continue in possession of the suit premises, despite decrees of eviction. There is no sufficient cause in seeking condonation of delay. The applicant is neither candid to the Court nor has she set out the true and correct facts in the civil application.

6] For all the aforesaid reasons, the application seeking condonation of delay is dismissed. As a result, civil revision application cannot be registered / entertained and the same is also dismissed.

(M. S. SONAK, J.)

Chandka