

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11204 OF 2014

Kamal Shridhar Potdar.] ... Petitioner

Versus

Shivnath Vitthal Devalekar and Anr.] ... Respondents

None for Petitioner.
None for Respondents.

CORAM :- M. S. SONAK, J.
DATE :- MARCH 20, 2015

P. C. :-

1. None for Petitioner.
2. This Petition impugns order dated 19/07/2004, by which the Ad-Hoc District Judge-1, Sangli, has declined to condone delay of 1 year, 4 months and 6 days in preferring the Appeal against the Judgment and Decree dated 28/02/2011.
3. In the case of *Shyam Sundar Sarma Vs. Pannalal Jaiswal and Ors.*¹, Hon'ble Apex Court has held that an Appeal, when dismissed on refusal to condone delay, is nevertheless a decision in the Appeal.

¹ 2005 (1) SCC 436

4. In view of the aforesaid, remedy under Article 226 or 227 of Constitution of India is not the appropriate remedy.

5. Accordingly, the present Petition is dismissed. However, this shall not preclude the Petitioner from instituting appropriate proceedings to impugn the order dated 19/07/2014.

(M. S. SONAK, J.)