

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

LETTERS PATENT APPEAL NO.172 OF 2013

IN

WRIT PETITION NO.3695 OF 2012 [D]

[Bhimashankar s/o Umakant Palikondawar .vs. Vilas s/o Vishnu Mahajan and others]

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

Court's or Judge's orders

Shri A.M. Sudame, Advocate for the appellant,
Shri J.B. Kasat, Advocate for the respondent no.1.

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CORAM : B.R. GAVAI AND
P.N. DESHMUKH, JJ.

DATED : DECEMBER 02, 2015.

Heard.

Appellant challenges the order passed by the learned Single Judge refusing to entertain the writ petition on the ground of delay and laches.

Shri Sudame, the learned counsel for the appellant, submits that the learned Single Judge has committed an error in dismissing the writ petition. He submits that the appellant in paragraph 19 of the writ petition, so also by way of civil application for amendment, had brought on record sufficient ground on the basis of which, the learned Single Judge ought to have condoned the delay in entertaining the petition.

Undisputedly, the order challenged before the learned Single Judge was passed on 25.3.2010 and the petition is filed almost after two years and four months. The explanation given is that after the suit for possession

and damages is filed by the respondents-landlords, it is necessary for the petitioner to file the petition immediately. It could thus be seen that the appellant was in deep slumber for a period of two years and four months and only after the respondents filed the suit for grant of possession, he has preferred the writ petition. We do not find that any error is committed by the learned Single Judge in dismissing the writ petition. Hence, the LPA is rejected.

JUDGE

JUDGE

Gulande