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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.418 OF 2014
IN
SECOND APPEAL (STAMP) NO.4989 OF 2009

WITH
SECOND APPEAL (STAMP) NO.4989 OF 2009

WITH
CIVIL APPLICATION NO.419 OF 2014
IN
SECOND APPEAL (STAMP) NO.4989 OF 2009

WITH
CIVIL APPLICATION NO.1650 OF 2014
IN
SECOND APPEAL (STAMP) NO.4989 OF 2009

Smt.Janabai N. Thorat & Ors.
V/s.

...Applicants

Bhika B. Thorat & Ors.

...Respondents

Mr.R.A. Thorat, Senior Counsel i/b Mr.Sandeep Salunke for the
Applicants.

None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 5TH JANUARY, 2016.

P.C. :-

1. By this Civil Application No.418 of 2014, the applicants seek condonation of delay of two years 248 days in filing the second appeal.

2. Mr.Thorat, learned senior counsel appearing for the applicants invited my attention to the reasons recorded in paragraph 5 of the civil application.

3. A perusal of the averments in paragraph 5 indicates that it is the case of the applicants that the learned advocate representing the applicants did not inform the applicants about passing of the judgment and decree dated 25th January, 2006 which was passed against them. The applicants thereafter made enquiries with the learned advocate and came to know that the order had been passed against them. Such knowledge was derived on 1st February, 2006. The applicants thereafter applied for certified copy of the said judgment and decree and the received the same on 14th March, 2006. It is averred in the civil application that the applicants are poor agriculturists and are not aware of the legal proceedings and the advocate for the applicants did not given any advice about the time limit prescribed in preferring an appeal. It is further averred that their financial condition was very weak and therefore, they could not arrange the fund within the time prescribed.

4. In my view, the reasons recorded in paragraph 5 of the civil application for condonation of delay of about 2 years and 248 days are not at all satisfactory. I am thus not inclined to condone the delay of two years and 248 days in filing the second appeal.

5. Civil Application No.418 of 2014 is accordingly dismissed.
6. In view of dismissal of the civil application for condonation of delay, the second appeal is also dismissed.
7. In view of dismissal of the second appeal, all other civil applications which are pending in this second appeal, do not survive and the same are also dismissed. No order as to costs.

(R.D. DHANUKA, J.)