

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO. 5983 OF 2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P. N. Joshi for the Petitioner.

**CORAM : K. K. TATED, J.
DATED : 14/06/2016**

P.C.:

. Heard learned Counsel for the petitioner.

2 By this petition under Article 227 of the Constitution of India, the petitioner defendant challenges order dated 17.03.2015 passed by learned District Judge-2, Niphad below Exh. 1 in Civil Misc. Application No. 9 of 2013 condoning 4 months and 8 days delay in filing the Appeal.

3 The learned counsel for the petitioner defendant submits that Appellate Court erred in coming to the conclusion that respondent plaintiff shown a sufficient cause for condonation of delay. He submits that the Appellate Court ought to have rejected the plaintiff's application for condonation of delay in filing Civil Misc. Appeal No. 9 of 2013. Hence, the impugned order be set aside.

4 I heard learned counsel for the petitioner at

length.

5 It is to be noted that the Apex Court in the matter of *N.Balkrishnan Vs. M. Krishnamurthy (1998) 7 SCC 123* held that the object of fixing the time limit is not meant to destroy the rights. The law of limitation fixes a lifespan for such legal remedy for the general welfare.

6 Considering the reasons disclosed by the respondent in their application for condonation of delay in filing Appeal, reasoning given by the Appellate Court and the law declared by the Apex Court in the matter of *N.Balkrishnan Vs. M. Krishnamurthy (1998) 7 SCC 123*, I do not find any substance in the present Writ Petition .

7 Hence, Writ Petition stands rejected.

(K.K.TATED, J.)