

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1515 OF 2016
IN
WRIT PETITION NO. 8357 OF 2014

Mehrunnisa Sayed Widow of Ziaulla Sayed
and others.

... Applicants.

V/s.

Mukhtar Umar Ghojaria and others.

... Respondents.

Rakesh Agrawal with Parmeshwar Bhise and Chetan
Shah for the applicants.

Pradeep J. Thorat with Ms.Pratibha Shelke
for respondent Nos.2 & 3.

CORAM : D.H.WAGHELA, C.J.

DATE : 4th July 2016.

P.C. :

The application is filed with the prayer to condone delay of 60 days in making the application and to recall the order dated 14th March 2016 dismissing the petition by a conditional order which

required the petitioners to remove all the office objections on or before 19th March 2016. Learned counsel Mr.Rakesh Agrawal relied upon the averments made in the application to the effect that the clerk of the advocate for the applicants had tried to remove the office objections on 15th March; 16th March and 18th March 2016, but on those dates the file could not be located in the office due to which the office objections could not be removed on or before 19th March 2016 as required by the order dated 14th March 2016.

2. As against that, learned counsel appearing for respondent Nos.2 and 3 has pointed out that in the main petition pending since the year 2014, the petitioners have never been vigilant and the main petition had earlier been dismissed by order dated 10th August 2015, which recorded that even on previous occasion i.e. 21st April 2015 no one had appeared for the petitioners. Thus, even after that order and restoration of the petition by order dated 3rd March 2016, the petitioners have failed to even remove office objections in time and also failed to file the present application in time. Therefore, the approach and attitude of the petitioners appears to be indolent and not bonafied.

3. In the facts and in absence of any specific evidence of the applicants having properly pursued the matter all throughout after filing of the petition in September 2014, the present application is

not required to be allowed to grant further indulgence to the applicants, even by imposing appropriate amount of costs. There is hardly any reason given in the application for condoning delay of 60 days in filing the present civil application. Therefore, the application is dismissed with no order as to costs.

CHIEF JUSTICE