

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1772 OF 2016
IN
WRIT PETITION NO. 9841 OF 2010

Kerba Rav Kirulkar and others. ... Applicants.
V/s.
Laxman Balu Palkar (since deceased
through legal heirs)
Pandurang Laxman Palkar and another. ... Respondents.

Harshad Shingnapurkar i/b. Amit Borkar for the applicants.
None for the respondent.

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

DATE : 18th July 2016.

P.C. :

The application is made for recalling the order dated 24th June 2011 in Writ Petition No.9841/2010 by which the petition was dismissed for non-prosecution. Admittedly, there is delay of more than three years in filing the present application. It is stated in the application that in the month of November 2014 when the applicants made enquiry regarding status of the matter, the advocate for the applicants verified the status of the matter and came to know that

the matter had been dismissed for default. It is stated to be a bonafide mistake of the advocate due to which the application could not be filed within time. The reason mentioned in the application hardly inspires any confidence and it is nowhere mentioned or established that there was any justification much less satisfactory explanation for the petitioners and the advocate to delay the filing of the present application for three long years and, even after filing application, not pressing it for more than 18 months. Therefore, in absence of any valid reasons mentioned in the application, it is dismissed.

CHIEF JUSTICE