

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

**SECOND APPEAL NO. 327 OF 2014
WITH
CIVIL APPLICATION NO. 797 OF 2014**

Namdeo Ananta Bhange

..... Appellant

Versus

Narayan Govind Manjare
(Since deceased through L.Rs.)
Dattatray NarayanManjare & Ors.

.....Respondents

Mr. Mahesh Rawool, I/b Shah K. P. for Appellant/Applicant.
None for Respondents.

***CORAM : N. M. Jamdar J.
Tuesday 26 July, 2016***

P. C.

. The appellant challenges the Judgment and Order passed by the District Judge, Solapur rejecting the application filed for condonation of delay of 10 years and 28 days in filing the appeal.

2. The appellant had filed Regular Civil Suit No. 1 of 1997 against the respondents in the Court of Civil Judge, Junior Division,

Madha. The appellant sought a decree of perpetual injunction. The learned Civil Judge after considering an evidence on record dismissed the suit by an order dated 29 September, 2001. An appeal was filed by the appellant in the District Court, Solapur, in which an application for condonation of delay of 10 years and 28 days was taken out, which has been dismissed by the impugned order.

3. Heard learned Counsel for the parties. The learned Counsel for the appellant has re-iterated the cause made out in the application for condonation of delay. The reason given in the application is that there were certain tenancy proceedings and the appellant was waiting for the instruction of his Advocate. This cause is entirely insufficient. The appellant has been contesting litigation in to tenancy courts and upto this Court. Therefore, the appellant is fully aware of the legal intricacies. It is difficult to believe that the appellant would wait for more than a decade without ever consulting the Advocate as to the need of filing the appeal. The delay is of inordinate nature. The discretion used by the learned District Judge in not condoning the delay in the facts of the present case cannot be stated to be perverse. No question of law arises in the Second Appeal.

4. Second Appeal is accordingly dismissed. Civil Application stands disposed of.

(N. M. Jamdar, J.)