

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (CAS) No.340 of 2011

In

Second Appeal No.452 of 2009

(Abdul Kadir Abdul Rehman Mukadam v. Firoz Ahmed Hakim Mohd.
Mukhtar and another)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri A.N. Ansari, Advocate for Applicant.

Coram : R.K. Deshpande, J.

Date : 11th July, 2016

The Trial Court dismissed Regular Civil Suit No.1351 of 1992 for specific performance of contract and grant of permanent injunction on 12-2-2002. In spite of obtaining the certified copy of the judgment delivered by the Trial Court on 26-2-2002, Regular Civil Appeal along with the application for condonation of delay was preferred on 9-2-2004, i.e. after a period of 1 year, 10 months and 10 days. The said application was rejected by the lower Appellate Court on 5-8-2005. Thereafter, the applicant preferred a writ petition before this Court on 31-7-2009. This writ petition was permitted to be converted into second appeal on 23-11-2009. The applicant filed the present application for condonation of 5 years, 5 months and 21 days caused in filing the second appeal. Except to say that the applicant was not in a financial position to challenge the decision

of the Trial Court or that of the lower Appellate Court, no explanation is furnished, muchless of a satisfactory nature.

The lower Appellate Court has rejected the misc. civil application for condonation of 1 year, 10 months and 10 days caused in filing an appeal, and this application challenging the said order dated 9-2-2004 preferred after an inordinate delay of 5 years, 5 months and 21 days, is hereby dismissed.

Judge.

Lanjewar