

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

WRIT PETITION NO.4729 OF 2014

(Surendra s/o Mukinda Thool ..vs.. Pundlik s/o Kawaduji Thool and others)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 26-07-2016

Heard Shri T.B. Pantawane, Advocate for the petitioner and Ms. Deepali Zanzad, Advocate holding for Shri P.A. Gode, Advocate for the respondent No.1.

2. The petitioner filed appeal before the District Court challenging the judgment and decree passed by the trial Court for partition and separate possession of property. There was delay of 492 days in filing the appeal, therefore, the petitioner filed an application praying for condonation of delay. In the application, the petitioner stated that he got knowledge on 30-05-2013 that the civil suit is decided on 31-01-2012. The learned Principal District Judge has recorded that the explanation given by the petitioner is not correct and proper. It is recorded that the petitioner received the notice of F.D.P. No.2/2012 on 22-10-2012 and it is clear that the petitioner was having knowledge about decision of civil suit on receipt of the above notice. The petitioner has not been able to show that the finding recorded by

the learned Principal District Judge is erroneous and unsustainable.

3. I see no reason to interfere with the impugned order. The petition is dismissed. In the circumstances, the parties to bear their own costs.

JUDGE

adgokar

CERTIFICATE

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : P.M. Adgokar.

Uploaded on : 28-07-2016.

P.A. to Hon'ble Judge.