

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

**CIVIL APPLICATION No. 2751 OF 2014
IN
WRIT PETITION No. 1278 OF 2006**

Balu Martuti Lakade (Deceased)

by LRs.

Tarabai Balu Lakade and Ors.

....Applicants

Vs.

Dashrath Umaji Mane and Ors.

...Respondents

Ms. Pallavi N. Dabholkar for Applicants/Original Petitioners

Mr. P.B. Gujar for Respondent Nos.1 and 2

CORAM : M.S. SANKLECHA, J.
WEDNESDAY, 23RD AUGUST, 2017

P.C.

1. This civil application was listed on board yesterday. As none appeared even after it was kept back, civil application has been kept today.
2. This civil application has been taken out for condonation of delay of 5 years in filing this application to recall an order dated 3rd February, 2009 passed by this Court dismissing the writ petition.
3. Ms. Dabholkar, learned counsel for the Applicants invites my

attention to the facts of the case which relate to the delay as set out in the application. It is stated therein that the Applicants' earlier advocate had instructed his filing clerk to carry out the amendment. However, the concerned clerk, inadvertently had not carried out the amendment, which resulted in the dismissal of the petition consequent to the conditional order dated 3rd February, 2009. It is claimed therein that the Applicants learnt about the dismissal of the petition only on 23rd December, 2013. However, no particulars have been set out in the matter. This petition relates to the year 2006. The Petitioners have not been diligent in prosecuting the petition and the delay in filing this civil application has not been satisfactorily explained.

4. In the above view, the civil application is dismissed. No orders as to costs.

[M. S. SANKLECHA, J.]