

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.263 OF 2017
IN
REJECTED CASE NO.1095 OF 2006
(Original CRA (St.) No.12135 of 2005)

Shri Kamlesh R. Vinchurkar	..	Applicant.
v/s.		
Mrs. Shiela Rajan	..	Respondent.

Mr. Pravartak Pathak, for the Applicant.

CORAM: M.S.SANKLECHA, J.
DATE : 18th SEPTEMBER, 2017.

P.C:-

This Civil Application has been taken out by the Applicant to recall the order dated 16th January, 2006 passed by this Court. The Applicant's Civil Revision Application (CRA) challenging the order dated 16th July, 2002 passed by the 4th Civil Judge, Junior Division, Pune, was dismissed by order dated 16th January, 2006.

2 This Civil Application seeks to restore the dismissed CRA which arises from a Suit filed in 1995 in the City Civil Court at Bombay. The 1995 suit itself was disposed of as far back as on 16th July, 2002. The CRA was also dismissed by order dated 16th January, 2006.

3 This application has been taken out after a delay of 11 years and 71 days after the dismissal of CRA. The reasons set out in the application is that applicant had moved the Maharashtra State Bar

Council to adopt disciplinary proceedings against the Advocate appearing for him in the CRA. This application to Maharashtra State Bar Council was made in May, 2008. No explanation is even offered in the Petition as to the manner in which the time was spent in the period between January 2006 to May, 2008. Further, no explanation is also offered for the period post May, 2008 till date of filing this application, save and except that he was awaiting the disposal of his complaint before the Maharashtra State Bar Council. The aforesaid action against the Advocate, is no explanation for not moving this Court earlier for restoration. Both the actions i.e. moving the Bar Council against an Advocate & restoring the dismissed CRA are not mutually exclusive. Both proceedings could have been commenced and prosecuted simultaneously.

4 Thus, the explanation offered is not found acceptable/satisfactory,. There is gross delay and laches on the part of the Applicant in filing this Civil Application for restoration of the CRA.

5 Accordingly, **Civil Application dismissed.** No order as to costs.

(M.S.SANKLECHA,J.)