

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

**CIVIL APPLICATION NO.4757 OF 2013
IN
REJECTED CASE NO.569 OF 2004
WITH
CIVIL APPLICATION NO.4759 OF 2013
IN
REJECTED CASE NO.569 OF 2004**

Shri.Anant Ganesh Joshi ..Applicant

V/s.

Shri.Jagannath Narayan Joshi & Ors. ..Respondents

Mr.A.M. Kulkarni a/w Ms.Manali Kaprekar for the Applicant in both
Civil Applciations.

Mr.S.G. Deshmukh a/w Mr.Abhijit Patil and Mr.Dilip Shinde i/by
Mr.Vikas Mali for Respondent No.2A.

CORAM : M. S. SONAK, J.

DATE : 06 MARCH 2017.

P.C.

1. Heard the learned counsel for the parties.
2. This Civil Application seeks recall of order dated 18-10-2001 by which the registration of the appeal was refused for non clearance of the office objections. The delay in institution of this Civil Application is 10 years and 322 days. The only explanation is that the papers were entrusted to the Advocate and the applicant

had no knowledge of the order by which the registration of the appeal was declined. Mr.Kulkarni, the lerned counsel for the applicant states that in the month of September 2012, the applicant came to know about the order of non-registration and thereafter in October 2012, this Civil Application was filed. The aforesaid, is not a sufficient explanation for the inordinate delay of almost 11 years. It is not sufficient that the applicant entrust the matter to his advocate. The applicant is also required to at least make timely enquiry with regard to the progress of the matter. Mr.Kulkarni, further states that for the period of almost 11 years, the applicant was under the impression that the matter is pending, without the applicant having made any equiry. This is not an acceptable explanation.

2. Accordingly, the Civil Application is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)