

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5408 OF 2018

DADASINGH JAISINGH PARDESI AND ANOTHER
VERSUS
PANDIT KRISHNA LAHANE THROUGH LRS BAPU PANDIT LAHANE
AND OTHERS

...
Mr. M.P. Kale, Advocate for petitioners
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 12-06-2018

ORDER :

1. Heard learned counsel for the petitioners.
2. Learned counsel for the petitioners submits that 10 year old delay has been condoned despite the position that the respondents, who are trying to stake claim to the property, claim to be descendants of one Krushna Wadekar, whose name figures in *erstwhile* revenue record, however, said claim has no substance and submits that so long as dispute about the same is not decided, application for condonation of delay could not have been allowed.
3. While it is being so submitted, the two authorities *hitherto* have found that genesis of movement by respondents, had been notice received by them from civil court in 2009 and the present proceedings which have been initiated in respect of

property in which they are interested, had been without notice to them. The authorities have thus found the delay has been properly explained and have thus in their exercise of discretion, condoned the delay.

4. Learned counsel for petitioners is not in a position to challenge the veracity of the sequence of events, as those are stated to have occurred and is also not in a position to show that the discretion so exercised while condoning delay, is not adhering to sound judicial principles, improper or is in any way perverse which would require interference with under the powers of this court under Article 227 of the Constitution of India.

5. Writ petition does appear to carry any substance and, thus, is rejected.

[SUNIL P. DESHMUKH]
JUDGE

arp/