

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 2041 OF 2018
IN SAST/8978/1999

MAHADEO KRISHNATH @ KRISHNAJI MANE AND OTHERS
VERSUS

NIWARTI RAMBHAU DHABAKAR AND OTHERS

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Advocate for the Applicants : Shri Mukhedkar Amit A..

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 16th February, 2018

Per Court:

1 The Applicants pray that the delay of 6549 days, which is about 17 years and two months, may be condoned and the order of the learned Registrar dated 27.10.1999 refusing registration to the Second Appeal be set aside.

2 The contention is that the earlier Advocate of the Applicants did not remove office objections. The Second Appeal was refused registration on 27.10.1999 as the objections notified on 06.09.1999 were not removed. Thereafter, the learned Advocate of the Applicants Shri D.B.Yevtikar passed away in 2001. Therefore, the Applicants could not gather the status of the matter.

3 It is well settled that the litigation must attain finality and cannot be kept pending for years together.

4 Even if it is assumed that the deceased lawyer was negligent,

the issue turns upon the diligence of the Applicants, who have not turned up to find out as to what has happened with their litigation for 18 years. They woke up from deep slumber after 18 years and intend to reopen the litigation.

5 The Honourable Supreme Court has culled out the principles for condonation of delay, in the matter of *Esha Bhattacharjee v/s Managing Committee of Raghunathpur Nafar Academy*, **(2013) 12 SCC 649**) and has concluded that if the delay is inordinate and the reasons cited are not satisfactory and do not justify the delay, there shall be no condonation.

6 I do not find from the pleadings set out in the Civil Application that these Applicants were diligent and were keeping track of their matter or had tried to contact their Advocate. The pleadings also do not indicate that after the Second Appeal was said to have been lodged in 1999, these Applicants were in contact with their Advocate. Merely blaming an Advocate for self serving purposes, cannot be countenanced. A litigant is expected to be diligent and should indicate from his action that he has interest in the litigation.

7 Considering the above, I do not find that this Civil Application deserve to be entertained. The same is, therefore, rejected.