

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6161 OF 2017

Genu Nathu Shindade	 Petitioner
V/s.	
Kaluram Bhaguji Tamhane & Ors.	 Respondents

Mr. Vijaykumar R. Garad for the Petitioner.

None for the Respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 2ND MAY, 2018.

P.C. :

1. Heard Mr. Garad, learned counsel for the Petitioner.
2. By this Writ Petition, filed under Article 227 of the Constitution of India, the Petitioner is challenging the order dated 1st December 2016 passed by the District Judge, Khed-Rajgurunagar, Dist. Pune, thereby rejecting the Civil Miscellaneous Application No.45 of 2015.
3. The said application was filed by the Petitioner for condonation of delay of 8 years and 1 month in preferring the Appeal against the 'Judgment and Decree' passed by the Civil Judge, Junior Division, Khed, in Regular Civil Suit No.30 of 1998 on 20th September 2006.

4. The only ground, which was given in the application, was that the Petitioner was suffering from illness due to old age; however, none of the document was produced on record either to show the old age or even to show that the Petitioner was suffering from any illness.

5. Considering the long and inordinate delay of 8 years and 1 month, definitely, heavy burden was lying on the Petitioner to justify or to explain this delay by producing some cogent material on record. However, as observed by the Appellate Court, neither there is any supporting affidavit or application in which the age was mentioned, nor any medical certificate was produced on record to show that, during this period of 8 years and 1 month, Petitioner was suffering from some illness.

6. Under such circumstances, the Appellate Court was fully justified in rejecting such application for condonation of delay. In the writ jurisdiction, no interference is warranted therein. Writ Petition, therefore, stands dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]