

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10249 OF 2017

Chimabai Shivram More & Ors.	 Petitioners
V/s.	
Sadhu Shripathi More & Ors.	 Respondents

Mr. Siddharth R. Karpe for the Petitioners.

None for the Respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 30TH JANUARY 2018.

P.C. :

1. Heard Mr. Karpe, learned counsel for the Petitioners.
2. By this Petition, filed under Article 227 of the Constitution of India, the Petitioners are challenging the order dated 14th February 2017 passed by the Civil Judge, Junior Division, Mahabaleshwar, thereby rejecting the Miscellaneous Civil Application No.10 of 2012.
3. The said application was filed by the Petitioners herein for condonation of delay in filing the application for setting aside the ex-party Judgment and Decree.
4. Admittedly, the Petitioners have received the summons of the Suit, bearing Regular Civil Suit No.26 of 2011, filed by the Respondents. The Petitioners, however, failed to remain present in the Court. The ground

given by the Petitioners is that, they were illiterate and ignorant about the law. The Trial Court has rightly held that, ignorance of law cannot be an excuse to condone the delay, which is, in this case, of 201 days.

5. Moreover, the impugned order of the Trial Court shows that, the Trial Court has also considered the fact that the Judgment and Decree passed in the Suit was though ex-party, it was on merits and, therefore, the appropriate remedy of preferring an Appeal against the said Judgment was available to the Petitioners, but, the Petitioners have not availed the same and no sufficient explanation was given for condonation of delay.

6. In such situation, the impugned order passed by the Trial Court, rejecting the Petitioners' application for condonation of delay, does not call for any interference. Writ Petition, therefore, stands dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]