

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 208 OF 2018
IN
NOTICE OF MOTION NO. 4 OF 2018

Manjuben Chhaganlal Jogi	...Appellant
<i>Versus</i>	
Ramnislal Amritlal Padia And Ors.	...Respondents

With
Notice of Motion No.455 of 2018

Mr.Tejas Vora i/b. Mr.D.R.Mishra and Mr.G.K.Vora, for the Appellants.

Mr.S.C.Naidu with Mr.T.R.Yadav i/b. C.R.Naidu & Co., for Respondent No.4.

**CORAM: NARESH H.PATIL AND
G.S.KULKARNI, JJ**

DATED: 19th June, 2018

P.C.:

1. This appeal is directed against the order dated 30 January 2018 passed in Notice of Motion No.4 of 2018 taken out in Miscellaneous Petition No.25 of 1990. The learned Counsel for the appellant submits that the notice of motion was taken out for condonation of delay of 23 years and 240 days in terms of prayer clause (a) and another delay of 11

years and 90 days in terms of prayer clause (b).

2. The learned Counsel appearing for the respondents has vehemently objected for condonation of delay.

3. Perused the record and the detailed impugned order passed by the learned Single Judge. Prima facie we do not find any perversity in the order passed by the learned Single Judge. In prayer clause (a) the delay is of 23 years 240 days and in prayer clause (b) the delay is 11 years and 90 days. We do not find that the delay is satisfactorily explained. The delay is abnormal.

4. As the delay was not explained satisfactorily, the notice of motion was certainly and hopelessly time barred.

5. We do not find any merit in the appeal to interfere with the impugned order.

6. The appeal is dismissed.

7. In view of dismissal of the appeal, the pending Notice of Motion no.455 of 2018 does not survive, it is disposed of.

(G.S.KULKARNI, J.)

(NARESH H. PATIL, J.)