

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2540 OF 2017

Sadashiv Kashaba Pawar

.. Petitioner

V/s.

Vilas Shankar Pawar & Ors.

.. Respondents

Mr.Mahindra B. Deshmukh for the petitioner

CORAM: K.K. TATED, J
DATED : JANUARY 15, 2019

P.C. :

1 Heard.

2 By this petition under Article 227 of the Constitution of India, the Petitioner challenges the order dated 28.03.2016 passed by learned District Judge-4, Sangli in Misc. Civil Application No.308 of 2012 dismissing Petitioner's Application under section 5 of the Limitation Act, 1963 for condonation of 5 years 8 months 10 days delay in preferring Appeal against the order dated 05.07.1997 in Regular Civil Appeal No. 44 of 1992.

3 The main contention of the Petitioner is that Petitioner is Senior Citizen and therefore, it remained on their part to take appropriate steps for filing Appeal within time. He further submits that Petitioner requested other defendant to take

appropriate steps in Appeal but he failed to do so and hence, order passed by the learned District Judge-4 is required to be set aside.

4 Considering the judgment dated 28.03.2016 passed by Appellate Court and the reasons disclosed in paragraph 11, I am of the opinion that Petitioner has failed to make out any case for allowing Writ Petition to condone the delay of more than 5 years in filing Appeal.

5 Hence, Writ Petition stands rejected. No order as to costs.

(K.K. TATED, J.)