

DDR

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

WRIT PETITION NO. 4887 OF 2016

Dilip Yashwant Bhosale & anr. ..Petitioners

vs.

Sidhishaha Mahamud Khan C Ahamadi

& ors.

..Respondents

....

Shri R.D. Joshi for the petitioners.

....

CORAM : M.S.KARNIK, J.

DATE : 18th SEPTEMBER, 2019

P.C. :

Heard learned counsel for the petitioners.

2. The petitioners have challenged the order dated 16/12/2015 passed by the First Appellate Court allowing the application for condonation of delay in filing the Appeal.

3. The petitioner is the original plaintiff. The suit was decreed by the judgment and decree dated 22nd December, 2005. The defendants filed the Appeal. There was a delay of five and half months in preferring the Appeal. Therefore, Civil Miscellaneous Application No. 35 of 2008 was filed for

condonation of delay in preferring the Appeal. The said application was allowed subject to payment of cost of Rs.600/-.

4. Learned counsel for the petitioners submitted that the reasons stated by the defendants for condoning the delay are not at all satisfactory. He would submit that no document is placed on record justifying the reasons in the application for condoning the delay. He would submit that for the reasons mentioned in the application, the Appellate Court should not have condoned the delay.

5. I have gone through the order passed by the Appellate Court. Considering that there was five and half months delay in preferring the Appeal, the Appellate Court has condoned the delay by imposing cost of Rs.600/-. Considering the length of the delay and the reasons given by the Appellate Court in paragraphs 2 and 4 of the impugned order, I see no reason to interfere with the order passed by the Appellate Court.

6. The Petition is rejected.

(M.S.KARNIK, J.)

Diksha
Rane

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by Diksha Rane
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