

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO. 2049 OF 2018****IN****WRIT PETITION NO. 6046 OF 2002**

Balaleshwar Shikshan Mandal

.....Applicant.

IN THE MATTER BETWEEN-

Balaleshwar Shikshan Mandal & Anr.

....Petitioners

Vs.

Jayvant Bhaguji Gadekar & Ors.

.....Respondents.

Mr. Saurabh Pakale, P.T. Waghmare for the Applicant.

Adv. Mahesh Subramaniam I/by S.V. Pitre for Respondent No.1

Smt. Geeta Sonawane AGP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 18th JULY, 2019.****P.C.:-**

This is an Application for restoration of Writ Petition No. 6046 of 2002 which was dismissed for non-prosecution by a reasoned Order dated 11th March, 2011.

There is a delay of 6 years and 354 days in filing the present Application.

2 A bare perusal of the Application would indicate that, no satisfactory explanation, least to say, any sufficient cause to condone the said inordinate and colossal delay has been stated by the

Applicant. A vague statement that, due to ill-health and some other reasons the Applicants could not give instructions to his Advocate to proceed with the matter in due cause of time, is the only reason given by the Applicant for condonation of delay.

3 The medical papers annexed to the Application would indicate that, the Applicant was suffering from Hypertension/Blood Pressure and no other serious ailment which prevented him from giving instructions even on telephone to the concerned Advocate are mentioned. The Applicant was having facilities at his disposal, such as telephone, postal services, courier services, through which he could have contacted his Advocate immediately after dismissal of the Petition.

4 Even on 11th March, 2011, the learned Advocate appearing for the Applicant/Petitioner had made a categorical statement that, inspite of repeated communication, the Petitioners have not responded to the same and therefore, the concerned Advocate was unable to proceed further with the matter for want of instructions.

5 It is thus clear that, the Applicant/Petitioner was and is not serious enough in prosecuting the original Petition despite its remand by the Hon'ble the Supreme Court by its Order dated 30th

July, 2008.

In view of the above, I find no reason to condone the delay and restore the Petition.

6 Application is accordingly rejected.

(A.S. GADKARI, J.)