

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

WRIT PETITION NO.5432 OF 2014

Arvind Prabhakar Patil : Petitioner.
Versus
Union of India (MoD) and ors. : Respondents.

Mr. Y P Singh for the Petitioner.
Mr. D P Singh for the Respondent-UOI.

**CORAM : B. R. GAVAI &
N. J. JAMADAR, JJ**
DATE : 10th January 2019

P.C.

1 The Writ Petition challenges the order dated 30/01/2014 by which the learned Armed Forces Tribunal has rejected the application for condonation of delay in filing the original application.

2 The learned Tribunal while rejecting the application has observed thus :-

“The cause of action in the present case had arisen 21 years before filing this application and, therefore, even under clause (c) of Section 22(1), this Tribunal cannot admit the matter. Even if it is assumed that the cause of action arose to him on rejection of the petition under Section 164(2) of the Army Act on 18th November, 2011, still, he could have filed the application only within six months as per clause (a) of Section 22(1). Even after withdrawal of the Writ Petition from the High Court on 16th October, 2012, he again waited for more than one year. Taking into

consideration all these facts and circumstances, we find that the matter is hopelessly time-barred and there is no valid ground to condone the delay.”

3 From the reasoning given by the learned Tribunal it cannot be said that the view taken by the learned Tribunal is either impossible or perverse. In that view of the matter, no interference is warranted in the present Writ Petition. The Writ Petition is rejected.

[N. J. JAMADAR, J]

[B. R. GAVAI, J]