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

APPEAL FROM ORDER NO. 362 OF 2017

M/s Kamala Developer

..Appellant

Vs

Jafferullah Shaikh

..Respondent

Mr. Harish R. Pawar for the Appellant.

Mr. S.G. Maheshwari for Respondent.

CORAM : A.S.GADKARI, J.

DATE : 8th November 2019.

P.C.:

1] By the present Appeal, the appellant has impugned Order dated 1st October 2016 passed Notice of Motion No. 716 of 2016 in Suit No.7485 of 2003, thereby dismissing the said Notice of Motion for seeking condonation of delay of 844 days in restoration of the suit which was dismissed for default by Order dated 19.10.2013 by the Trial Court.

2] Heard Shri Pawar, the learned counsel for the appellant and Mr. Maheshwari, the learned counsel for the respondent. Perused the record.

3] The record indicates that, since year 2004 till the date of dismissal of the suit, the appellant did not follow-up the said case and as a matter of fact, did not attend the Court in the intervening period. The Trial Court has observed that,

non-follow up of the suit for about 12 years shows disinterest of the applicant in persuing the said suit. I find substance in the observation recorded by the Trial Court.

4] There is colossal and inordinate delay of 844 days in filing the application for restoration of the suit. Perusal of the application for condonation of delay would reveal that, the said delay has not been properly explained, least to say any satisfactory explanation is given by the appellant.

5] I find that, the Trial Court has rightly dismissed the Notice of Motion for condonation of delay.

I find no merit in the present Appeal from Order and is accordingly dismissed.

(A.S.GADKARI, J.)