

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5400/2019

Ravindra N. Khandelwal
..VS..
Bipinkumar H. Dhoot & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.G. Sarda, Advocate for the petitioner

CORAM : Z.A.HAQ, J.
DATED : 05/08/2019

Heard.

By the impugned order, learned District Judge has condoned the delay of 17 months in filing the appeal, accepting the explanation given by the respondents that the papers were handed over to the advocate at Nagpur well within the prescribed period of limitation for filing the appeal, however, the advocate to whom the papers were handed over failed to file appeal within the prescribed period of limitation, and then the respondents got knowledge about this fact after they made enquiry about progress of the matter. The impugned order is assailed on the ground that the explanation given by the respondents is vague and does not contain the relevant particulars. Though the explanation given by the respondents lacks in the relevant dates and particulars, as the learned District Judge has exercised discretion in favour of the respondents accepting that the

delay has occasioned because of the mistake on the part of the advocate, I am not inclined to interfere with the impugned order in the extraordinary writ jurisdiction.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari