ISM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 168 OF 2018
WITH
CIVIL APPLICATION NO. 258 OF 2018

Sambhaji Lalasaheb Dubal .....Appellant

V/s.

Rajendra Yashwant Mane and others .....Respondents

Mr. Sachin R. Pawar for the appellant
Mr. Vaibhav R. Gaikwad for respondent no. 1

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 17, 2020.

P.C.

First Appellate Court vide impugned Judgment dated 05/12/2017 rejected the application for condonation of delay caused in preferring First Appeal.

2] Heard.

3] The submissions are, great prejudice is caused to the appellant particularly in the light of the incorrect legal advise tendered by the lawyer who was engaged before the Trial Court and the order of the Appellate Court refusing condonation of delay is irrational.

4] The question of law which is sought to be agitated is, whether the First Appellate court has failed to consider sufficient cause in refusing prayer for condonation of delay?

5] Appellate Court has recorded a finding that based on the Decree passed by the Trial Court, Execution being R. D. No. 236 of 2010 was initiated of which notices were received by the appellant on 23/02/2011.

6] Appellant is unable to explain as to why appellant was sleeping over his rights of preferring appeal for a period of more than two years. Rather, Appellate Court has recorded a finding that appellant has suppressed the aforesaid facts from the Court below.

7] In the aforesaid background, no case for showing any indulgence for want of involvement of substantial question of law is noticed.

8] Appeal as such fails, stands dismissed.

9] Since the Appeal is dismissed, pending Civil Application also stands disposed of.

[NITIN W. SAMBRE, J.]