

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

WRIT PETITION NO.4391 OF 2018

Ramkrushna @ Babarao S/o Marotrao Belkhode and others.

Vs.

Sudarshan S/o Murlidhar Belkhode and others.

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

Court's or Judge's orders

Shri A. S. Dhore, Advocate for petitioners.

Shri S. M. Vaishnav, Advocate for respondent nos.1 and 4.

CORAM : AVINASH G. GHAROTE, J.

DATE : FEBRUARY 26, 2020.

The petition challenges the order below Exh.1 dated 23/10/2017, by which the delay of 456 days occasioned in filing of the appeal has been condoned by the District Judge – 4 Wardha. A perusal of the order demonstrates that the person who was stated to be looking after the matter namely Murlidhar, father of the applicant had suffered a paralytic attack, due to which he had executed a power of attorney in favour of his son Jayant, who was otherwise occupied due to the ailment of Murlidhar. It is further stated that Jayant used to reside at Amravati and the matter was pending in the Court at Seloo. It is further stated that due to his pre-occupation with the ailment of his father Jayant could not pursue the matter, which was not intimated to the other sons of Murlidhar. This contention has been accepted by the Court below. Though learned counsel Mr. Dhore, for the petitioner, vehemently attacks the order condoning the delay, however,

considering the nature of the reason given which is plausible, and in order to decide the matter on merits, I do not see any reason to interfere in my jurisdiction under Article 227 of the Constitution of India. The petition therefore, in my opinion is without any merit and is accordingly dismissed, without costs.

JUDGE

Sarkate