

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

WRIT PETITION NO.7462 OF 2019

Shri. Raosaheb Bhauso Hore Petitioner

Vs.

Sukumar Appasaheb Birnale & Ors. Respondents

Mr. Chintan Yogesh Shah for Petitioner.

Mr. Niranjana Bhavake i/by Chaitali Pachpute for Respondent Nos. 1 to 5.

Coram : NITIN W. SAMBRE, J.

Date : 12TH MARCH, 2021

P.C.:

1. After decreeing the claim for redemption, an appeal at the behest of the Petitioner was time barred, as such delay condonation application was moved.

2. Against dismissal of the Suit for specific performance, an appeal was preferred, which was also dismissed in default. The application for restoration was delayed by more than three years, which is rejected vide impugned order.

3. With the assistance, I have perused the reasons furnished by the Court below in refusing the prayer for condonation of delay.

4. The fact remains that apart from the fact that sufficient cause was not established. I am informed that after dismissal of the Suit for specific performance, the decree for redemption is passed in favour of the Respondents, which is already under execution.

5. In that view of the matter, no case for interference is made out. The petition fails, stands dismissed.

(NITIN W. SAMBRE, J.)