

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (CAS) NO. 22 OF 2021

WITH

R.C. NO. 455 OF 2016

SECOND APPEAL (ST.) NO. 25587 OF 2015

Shatrughna Agatrao Khandekar & Ors.

... Applicants

V/s.

Appasaheb Arjun Koli & Ors.

... Respondents

Mr.S.P. Rajepandhare for Applicants.

Mr.Prasad Kulkarni for Respondent Nos.1, 3 and 4.

CORAM : A.S. GADKARI, J.

DATE : 23rd August 2021.

PC. :

1. This is an application for condonation of delay of 5 years and 8 months in preferring the present Second Appeal against the impugned Judgment and Order dated 14th October 2009 passed in Regular Civil Appeal No. 21 of 2003, by the learned Ad-hoc District Judge-2, Solapur, thereby dismissing the Appeal filed against the Judgment and Decree passed in R.C.S. No.77 of 1996, by the learned Civil Judge Junior Division, Mohol, District Solapur.

2. Heard Mr.Rajepandhare, learned Advocate for the Applicants and Mr.Kulkarni, learned Advocate for the Respondent Nos.1, 3 and 4. Perused

record.

3. The only contention which has been raised by the Applicants for condonation of such an inordinate and colossal delay is that, their Advocate did not inform them about dismissal of the said Appeal and it is only when they received execution notice from the concerned Court, they came to know about dismissal of the Appeal.

4. At the outset, it is to be noted here that, the litigants/clients cannot be heard to raise a spacious plea that, there was a communication gap between him and his Advocate. Many a times, the litigants carry wrong impression that, once an advocate is briefed in a case, it is the duty of the concerned Advocate to take care of the case at all stages, till the litigation comes to an end. It is the settled position of law that, it is the equal responsibility of the clients/litigants to follow up their own matter with their Advocate and not to blame their Advocate for the lapses committed by the litigants.

5. A bare perusal of the present Application for condonation of delay of 5 years and 8 months would clearly indicate that, no satisfactory least to say any plausible explanation for condonation of such a colossal and inordinate delay has been offered by the Applicants. The Applicants have taken a spacious plea of communication gap between them and their Advocate for seeking condonation of such an inordinate delay and none else.

6. In view thereof, the Applicants have not offered any satisfactory and plausible explanation for condonation of such a colossal and inordinate delay occurred in filing the present Second Appeal.

I find no merits in the Application, Application is accordingly dismissed.

7. In view of dismissal of Application for condonation of delay in filing the Second Appeal, Second Appeal (St.) No.25587 of 2015 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]