

2. Amongst other, it is claimed that for a period from 23rd August 2012 to November, 2012, the Petitioner was behind bar and the suit summons was served at his residence. It is claimed that the

Petitioner being unemployed youth, he was penniless. He could not sustain the trauma of his arrest and being behind bars had a devastating effect on him and that being so, he could not attend the proceedings.

3. According to him, the delay of about 4 years, 8 months is bonafide, as in case if the delay is not condoned, the Petitioner will be handicapped in defending the suit. As such, it is claimed that the order impugned is liable to be set aside.

4. Considered submissions.

5. As far as the service of suit summons on the Petitioner/Defendant No. 1 is an issue, which is not in dispute.

6. As far as delay in the matter is concerned, the Petitioner has failed to explain inordinate delay of more than 4 years. Even if it is assumed that the Petitioner was behind bars for some time and not keeping well, still fact remains that there is any material to infer that after his release from the detention, he was not in a position to defend the suit by filing written statement.

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

(NITIN W. SAMBRE, J.)