

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9639 OF 2016

Shri. Ananta Laxman Shelake

..Petitioner

Versus

Smt. Kamla Vitthal Daroda and Ors.

..Respondents

Mr. Rohit D. Joshi, for the Petitioner.

Mr. J. S. Kini i/by Sapna Krishnappa, for Respondent Nos.1 to 4.

CORAM : NITIN W. SAMBRE, J.

DATE : 3rd JANUARY, 2022

PC.

1. After having suffered ex-parte decree for partition, the petitioner/defendant moved for setting aside said ex-parte decree, which prayer was accompanied with request to condone delay. The Court below vide impugned order rejected the prayer for condonation of delay as the delay was not properly explained.

2. I am informed by the counsel for the respondents that the decree is already executed way back in 2011.

3. In that view of the matter, I hardly see any justifiable reason which warrants interference in the extraordinary jurisdiction particularly when the petitioner and the respondents have already sold part of their shares in the partitioned property.

4. In the aforesaid background, petition stands dismissed.

[NITIN W. SAMBRE, J.]