

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2088 OF 2022

IN

WRIT PETITION NO. 9583 OF 2003

Manisha Balbhim Balkote & Anr. ...Applicants

Versus

The State of Maharashtra & Ors. ..Respondents.

Mr. Machhindra A. Patil, Advocate for the Applicants.

Ms. M.S. Bane, AGP for Respondent-State.

CORAM : PRASANNA B. VARALE &
SHRIKANT D. KULKARNI, JJ.

Date : June 10, 2022.

P. C. :

1. Heard learned counsel appearing on behalf of the Applicant - Petitioner. Learned counsel appearing on behalf of the Applicant - Petitioner vehemently submitted that petition was filed before this Court in challenge to an order passed by Respondent No.2-Tribe Claim Scrutiny Committee, and for want of prosecution the petition was dismissed vide an order dated 13th June 2004.

2. Learned counsel appearing on behalf of the Petitioner submitted that for the fault of advocate, who had failed to pay due attention to the matter, party may not be subjected to a serious prejudice. Though, the submission of learned counsel looks attractive at the first blush, considering the typical scenario emerging from the perusal of material, we are unable to persuade ourselves to allow the application.

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3. The petition was filed in this Court in the year 2003 with a prayer for quashing the judgment and order dated 29th June 1999 passed by Respondent No. 2-- Committee. For the delay of more than a decade, the reason assigned is of negligence on the part of advocate. In these circumstances, we are unable to accept the submissions of learned counsel appearing on behalf of the the Applicant - Petitioner, so as to condone the delay of more than a decade and to restore the petition which was dismissed for non prosecution in the year 2004. Accordingly, the application is rejected.

[Shrikant D. Kulkarni, J.]

[Prasanna B. Varale, J.]