

Pradip

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 21 OF 2022
IN
CIVIL APPLICATION NO. 82 OF 2010
IN
LETTERS PATENT APPEAL (ST) NO. 5827 OF 2010
IN
WRIT PETITION NO. 1022 OF 2009

Lalchand Yadav & Ors ...Applicants
Versus
Mukesh Dye Works & Ors ...Respondents

Mr Mohammad Abdi, i/b Bhavna Mhatre for the Applicants.
Mr Siddhesh Shetye, i/b Avinash J for Respondent No. 6.
Mr Sagar Joshi, for Respondent No. 9.

CORAM G.S. Patel &
M.G. Sewlikar, JJ.
DATED: 7th June 2022

PC:-

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1. This is a Civil Application of 2018. It seeks that the Civil Application No. 82 of 2010 be restored to file after condoning a delay of 43 days. The previous Civil Application No. 82 of 2010 itself sought that the delay of over nearly 300 days in filing the

appeal be condoned. The previous Civil Application No. 82 of 2010 was dismissed for non prosecution on 2nd April 2018.

2. There is no satisfactory explanation for the present delay of 43 days in filing this Civil Application. But the delay is only 43 days and we may have considered condoning it but for the fact that we find that until June 2022 this Civil Application of 2018 has not even been served.

3. Such delays cannot be countenanced or so easily condoned. The Letters Patent Appeal is of 2010 i.e. already 12 years old in a Writ Petition of 2009. Even today, time is being sought.

4. We are not inclined to grant the relief. The Civil Application is dismissed.

(M.G. Sewlikar, J)

(G. S. Patel, J)