

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 1397 OF 2021

Shri Ramaji s/o Madhaorao Bind vs. Shri Rajesh s/o Ramprasad Narang

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

CORAM : MANISH PITALE J.

DATE : 17.03.2022.

None has appeared on behalf of the
petitioner.

2. By way of this writ petition the petitioner has challenged concurrent orders passed by Small Causes Court and Ad-hoc Additional District Judge. This matter concerns the claim of the petitioner in a distress warrant case. The record shows that the distress warrant case was filed by the petitioner in the year 2000, which was dismissed by the Small Causes Court. Aggrieved by the same, the petitioner filed appeal before the District Court, which also stood dismissed as far back as on 15.02.2005.

3. The present writ petition was filed on 24.11.2014 i.e. about 10 years after dismissal of the

appeal by the District Court. The same remained in objections and on 05.01.2015, by an order passed by the learned Registrar (Judicial), the writ petition was rejected for non-removal of office objections.

4. Applications were filed on behalf of the petitioner for restoration of the writ petition, as also for condonation of delay in seeking restoration. By order dated 01.03.2021, the applications were allowed and writ petition was restored, directing that the counsel for the petitioner shall remove office objections within four weeks.

5. Record shows that the office objections were removed on 12.03.2021. As a result, the petition is listed today for hearing. When it is called out for hearing, none has appeared on behalf of the petitioner.

6. By this writ petition, the petitioner has challenged order dated 15.02.2005, passed by District Court dismissing his appeal. It is evident that more than 17 years have passed by and now the challenge to the said order is listed for consideration before this Court. The writ petition itself was filed after about 10 years i.e. on 24.11.2014. Although there may not be a specific period of limitation for filing of

writ petitions, but, the petitioner alive to his or her rights is expected to approach the writ Court within a reasonable time. There is nothing on record to show the reasons as to why the petitioner filed the writ petition after about 10 years of impugned order passed by the District Court and the same was kept pending on technical grounds for another 07 years and thereafter, it is listed for consideration. At this stage also the casual approach is evident, since none has appeared on behalf of the petitioner.

7. Hence, the writ petition is dismissed.

JUDGE

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