

Aswale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 995 OF 2023

IN

NOTICE OF MOTION NO.1488 OF 2013

IN

COUNTER CLAIM NO.12 OF 2010

IN

SUIT NO.997 OF 2010

ANJALI
TUSHAR
ASWALE

Digitally signed by
ANJALI TUSHAR
ASWALE
Date: 2023.03.15
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Sayed Ali Hussaini & Anr
IN THE MATTER BETWEEN
Sayed Ali Hussaini & Anr

..Applicants

..Plaintiff
(Plaintiff 1 (a) and 1(b) in
Counter Claim/Orig.
Defendant No.3 in Suit
No.997/10.

Vs.

Mayfair Housing Pvt Ltd

..Defendant
No.1/Orig.Plaintiff in Suit
No.997/10

Mohinder K. Kochar & Ors

..Defendants in Counter
Claim

Mr.Ajit S. Karwande, for the Applicants.

**Mr.Gaurav Srivastav a/w Kunjan Makwana i/b S. K.
Srivastav & Co, for Defendant No.1.**

CORAM:- B. P. COLABAWALLA,J.

DATE :- MARCH 13, 2023.

P. C.:

The above Interim Application is filed seeking to quash and set aside the judgment and order dated 9th October, 2017 which dismissed Notice of Motion No.1488 of 2013. There is a delay of 1916 days and for which condonation of delay is asked for.

2 I have heard the learned counsel appearing on behalf of the Applicants (legal heirs of the Original deceased Plaintiff in the counter claim). The only explanation given in the application is to blame previous advocate who did nothing in the matter. After carefully going through the application filed, I am afraid I am unable to accept the submissions made for condonation of delay. If I was to accept the explanation given in the application, in every matter the litigant would blame his previous advocate to somehow justify the delay in approaching the Court. There is yet another reason why I find this explanation to be wholly unacceptable. In today's day and age, all the orders of the High Court are uploaded on its website and a party can easily find out the status of its case from the website of the High Court. In the present case, it is not as if the Applicants are illiterate people, they are businessman. In these circumstances, merely blaming their previous advocate to justify the delay is wholly unacceptable.

3 In these circumstances, I find no merit in the aforesaid application and the same is accordingly dismissed.

4 This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(B.P.COLABAWALLA J.)