

Aswale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 1003 OF 2023

IN

CHAMBER SUMMONS NO.552 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
15:41:25 +0530

Sayed Ali Hussaini & Anr

..Applicants (Orig.Plaintiff
No.1 (a) and 1(b) in
Counter Claim No. 12 of
2010)

IN THE MATTER BETWEEN

Sayed Ali Hussaini & Anr

..Plaintiff
Plaintiff 1(a) and 1(b) in
Counter Claim/Orig.
Defendant No.3 in Suit
No.997 of 2010).
Original Defendant
No.3 / Plaintiff in Counter
Claim)

Vs.

Mayfair Housing Pvt Ltd

..Defendant
No.1/Orig.Plaintiff in Suit
No.997 of 2010

And

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 to quash and set aside the judgment and order dated 9th October, 2017 under which Chamber Summons No.552 of 2013 was dismissed for want of prosecution.

2 There is a delay of 1916 days which is sought to be condoned.

3 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 the 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.

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

5 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.)