

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

...
CIVIL APPLICATION (S) NO. 851/2021
IN
SECOND APPEAL (ST) NO. 770/2021

Punjabai w/o Ganpat Deshmane

..Applicant

versus

Lahijabai w/o Gahinaji Paikrao
and others

..Respondents

.....
Mr.S.A.Banik, Advocate for the applicant

Ms.Naina P. Dhoke, Advocate for Respondent No.2

Mr. B.N.Jaipurkar, Advocate for Respondent No.3(c)
.....

CORAM: ANIL L. PANSARE, J.

DATED : 24th July, 2023.

PC:

Heard.

2. By the present application, the applicant/original defendant no.1 is seeking to condone the delay of about 19 years, 11 months and 8 days' (i.e.7198 days') in filing the Second Appeal against the judgment and decree dated 29.01.2001 passed by learned 2nd Additional District Judge, Pusad, in Regular Civil Appeal No. 71/1995.

3. The reasons put forth for the delay are that the applicant is a rustic villager and was not having knowledge. She was not having sufficient means and resources to challenge the same by coming over to Nagpur. Furthermore, the applicant through her husband had contacted some person (name not disclosed) and had given the documents (time

and date not mentioned), but the said person failed to take appropriate steps. Meanwhile, the documents given to the said person were lost. The children of the applicant have now grown up. They came to know about the sale deed and after enquiry, they found orders and judgment passed by the first Appellate Court. Thereafter, the applicant contacted the counsel and filed the present application, with an intention to try her luck, as a last resort.

4. Thus, it is clear from the contents of the application that the same is filed without disclosing the material particulars as regards when was the so called 'some person' contacted? what documents were given to him? when those documents were lost? when did the children of applicant come to know about passing the impugned judgment? when did they approach the counsel and when did the counsel instructed the applicant to file the application.

5. In absence of the above material particulars, even if a benevolent and liberal approach is to be adopted, it is impossible to condone the inordinate delay of 7198 days. The delay has not been justified at all.

6. The Civil Application is *sans* merit and, therefore, rejected.

[ANIL L. PANSARE, J.]

sahare