

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

WRIT PETITION NO.6870 OF 2022

Tulshiram S/o Shankarrao Ingle and others .Vs. Mohd. Usman Mohd. Yusuf and
others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri O.Y. Kashid, Advocate for the petitioners.

CORAM : ANIL S. KILOR, J.

DATED : 02/01/2023

1. Heard.
2. The petitioners are challenging the judgment and order dated 18.12.2019 passed in Miscellaneous Judicial Case No.175 of 2018 thereby rejecting the application for condonation of delay caused in filing the appeal.
3. The learned counsel for the petitioners submits that the learned appellate Court is committed an error in rejecting the application for condonation of delay though the sufficient cause was shown by the petitioners.
4. I have perused the application for condonation of delay and the impugned judgment and order.
5. After going through the application for condonation of delay, it can be seen that, it has been drafted without giving necessary details such as, when the suit was

dismissed, the date of making application for certified copies of the order and the other necessary details.

6. In the circumstances, the observations made by the learned District Judge-1, Akola, are just and proper. Para 19 of the impugned judgment and order reads thus:

“Thus, it appears that the contention in the application and in the evidence led by applicant Nos.1, 6 and 7 are vague and no any specific reason is made out as “sufficient cause” for condoning the delay. Applicants have not taken pain in mentioning details in the application that, when order of dismissal of suit was passed, when limitation for filing application was expired and how the delay of 247 days has been calculated and caused in filing the appeal. So also, the application seems to be drafted and signed on 9th October and filed on 3rd December without pleading any reason about delay of said period. No any evidence is adduced by applicants showing reasons for delay in filing application after 9th October to 3rd December, 2018.”

7. In the circumstances, as no error is committed by the learned Ad-hoc District Judge-I, Akola, I do not find any merit in the present petition.

Accordingly, the writ petition is **dismissed**.

JUDGE