

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

WRIT PETITION NO.3237 OF 2023

Naresh Pralhadrao Kathale and another .Vs. Say. Laxmi Madan Lohana 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 C.A. Babrekar, Advocate for the petitioners.

CORAM : ANIL S. KILOR, J.

DATED : 11/08/2023

1. The judgment and order dated 06.08.2022 passed by the District Judge-3, Amravati rejecting the application for condonation of delay of 10 years 10 months and 23 days, is under challenge in this writ petition.

2. Admittedly, there is an inordinate delay in filing application for restoration of Misc. Civil Application No.204 of 2004. The only reason given by the petitioners was that his lawyer never informed about the dismissal of the application and he never called them for taking further recourse to restore the application.

3. It is submitted that the petitioners were under pretext that the matter is pending and when the government started procedure for acquisition of land, then they make enquiry and thereupon, they got the knowledge about dismissal of the application accordingly, the application for condonation of delay was filed. The said reason was not found satisfactory by the learned District Judge-3 for condonation of delay.

4. The Delhi High Court in the case of *Moddus Media Pvt. Ltd. vs. M/s Scone Exhibition Pvt. Ltd.*¹, has held thus:

“13. The litigant owes a duty to be vigilant of his rights and is also expected to be equally vigilant about the judicial proceedings pending in the Court of law against him or initiated at his instance. The litigant cannot be permitted to cast the entire blame on the Advocate. It appears that the blame is being attributed on the Advocate with a view to get the delay condoned and avoid the decree. After filing the civil suit or written statement, the litigant cannot go off to sleep and wake up from a deep slumber after passing a long time as if the court is storage of the suits filed by such negligent litigants.”

5. In the circumstances, I do not find any merit in the present writ petition, the writ petition is **dismissed**.

JUDGE