

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.9652 OF 2017**

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GANESH  
KULKARNI

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Sadanand Narayan Jogale

... Petitioner

**V/s.**

Sanjay Ramchandra Jogale &amp; Ors.

... Respondents

Ms. Sapna Rachure for the petitioner.

**CORAM : AMIT BORKAR, J.**

**DATED : NOVEMBER 26, 2024**

**P.C.:**

1. Challenge in this writ petition under Article 227 of the Constitution of India is to an order rejecting application for condonation of delay of 1921 days in filing substantive appeal against the judgment and decree in a suit for partition filed by the respondent. By the judgment and decree dated 10 August 2005, the Trial Court granted half share to the plaintiffs.

2. The petitioner filed appeal against the said decree along with application for condonation of delay contending that he had no knowledge of the judgment and decree, and he got knowledge only in July 2010 when he got notice of the execution proceedings.

3. Perusal of the record and findings recorded by the Court, it is evident that he received all documents of the suit from his advocate in the year 2005. Moreover, he received notice of the

execution petition on 25 September 2008. He appeared in the execution petition on 27 April 2007. Based on aforesaid material, the Appellate Court recorded a finding that the petitioner had knowledge of decision of suit in the year 2005 and 2007. However, the petitioner failed to explain delay from the date of knowledge till the year 2010. Hence, the order passed by the Appellate Court rejecting application for condonation of delay of 1921 days does not require interference.

4. The writ petition, thus, stands dismissed. No costs.

**(AMIT BORKAR, J.)**