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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 14525 OF 2024
IN
INTERIM APPLICATION NO. 2740 OF 2019
IN
SECOND APPEAL NO. 185 OF 2013**

Dnyanu Manu Patole

.....Applicant

Vs.

Umaji Manu Patole
(Deceased Thr. LRs) Tanaji
Umaji Patole and Ors

.....Respondents

Mr. Yogesh Dalvi for the applicant

CORAM : GAURI GODSE, J.

DATE : 22nd NOVEMBER 2024

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ORDER:

1. Heard learned counsel for the applicant. This application is for the restoration of the interim application for restoration of the second appeal with a prayer to recall the order dated 23rd January 2023.
2. By an order dated 23rd January 2023, four weeks time was granted to remove office objections in the application for restoration. Learned counsel for the applicant prays for recalling the said order and restoration of the restoration application.
3. Learned counsel for the applicant submits that due to ill health of

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the applicant, he was unable to contact his advocate. Hence, there is delay in filing the application. He submits that the applicant is 85 years old and is suffering from various illness. Hence, he was unable to take steps. To support his contentions, learned counsel for the applicant relied upon the medical certificate titled as unfit certificate. According to learned counsel for the applicant, medical certificate supports the applicant's case that due to his ill health and old age, he was unable to take necessary steps.

4. I have perused the papers of the application. On earlier occasions, the appeal was initially dismissed as none had appeared for the appellant. Thereafter, the appeal was restored. Notice was issued to the respondent. Subsequently again, the second appeal was dismissed for non prosecution on 12th October 2015. Again the second appeal was restored. Thereafter again on 16th October 2019, the second appeal was dismissed for non prosecution. Dismissal of the second appeal was sought to be recalled by filing Interim Application No. 2740 of 2019. The said application was under office objections and by order dated 23rd January 2023, conditional time was granted to remove office objections. The said conditional order has operated and interim application for restoration of the second appeal stands

dismissed.

5. The application is bereft of any explanation regarding what were the objections and why the objections were not removed within time. The old age and ill health of the applicant is a vague explanation. The medical certificate refers to OPD treatment which nowhere supports the applicant's ground for condonation of delay. The application for restoration with a prayer for condonation of delay is filed by giving vague reasons. The application does not state any explanation regarding any attempts taken for removal of office objections. Except for vaguely stating about the old age and ill health, no justifiable and sufficient grounds are stated in the application for condonation of delay of one year and 178 days.

6. The application cannot be allowed on such vague reasons. The application is devoid of any merits. For want of justifiable reasons, delay cannot be condoned. Hence, the application is dismissed.

[GAURI GODSE, J.]