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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10888 OF 2018

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Gulab Sultan Mujawar, since deceased
through heirs & legal representatives ... Petitioner

V/s.

Sayajirao Shankarrao Mane, since
deceased, through heirs and legal
representatives & Ors. ... Respondents

Mr. Manoj A. Patil for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 3, 2024

PC.:

1. The Appellate Court by the impugned order has rejected petitioner's application for condonation of delay of 12 years and 6 months in filing application for restoration of appeal which was dismissed for non-prosecution.

2. It is true that ordinarily Court should be liberal while restoring the appeal and not to allow parties to get their grievance redressed on merits. However, inordinate delay in filing application need to be explained by exceptional reasons.

3. The reasons assigned by the petitioner are lack of knowledge and events prior to filing of the application. In the facts of the present case, the reasons are not construed to be sufficient cause

by the Appellate Court. The approach of the Appellate Court cannot be said to be perverse.

4. There is no merit in the writ petition and the same is dismissed. No costs.

(AMIT BORKAR, J.)