

first appeal is dismissed on 10th March 2010. This second appeal is preferred by both the defendants after more than 12 years alongwith the application for condonation of delay.

3. Learned counsel for the applicants submits that only applicant no.1 who is the mother of applicant no.2 was looking after the litigation and due to her old age and ill health she completely lost track of the proceedings and did not take any further steps. He further submits that applicant no.2, in the month of May 2021 discovered certain documents through which he learnt about the impugned decree. He submits that however, in view of Covid-19 pandemic, the applicants were unable to take any further steps. He submits that sometime in the month of March 2022, the applicants approached their advocate and applied for certified copies and thereafter took immediate steps to file this appeal.

4. Learned counsel for the applicants further submits that the applicants have a good case on merits, hence, the merits of the appeal be considered as an important factor for condonation of delay. He submits that there is no negligence on the part of the applicants and thus, the delay be condoned and the applicants be granted an opportunity to argue the appeal on merits.

5. I have perused the papers of the application and the second

appeal. There is no dispute that the applicant no.2 who was defendant no.2 had contested the suit alongwith the applicant no.1.

6. However, applicant no.2 had never challenged the trial court's decree and he was made party respondent in the first appeal. Regarding the applicant no.1's ill health and old age vague averments are made in the application without any particulars. The application is bereft of any explanation regarding why applicant no.2 did not challenge the trial court's decree, if at all he was aggrieved by the trial court's decree. The application though refers to cause of delay as applicant no.1's ill health and old age, the grounds are not supported by any documents. Based on the vague reasons, a huge delay of more than 12 years cannot be condoned. For want of any sufficient cause and any justifiable reason for condonation of a huge delay of more than 12 years, I do not see any reason to entertain this application.

7. The application is devoid of any merit. There is no sufficient cause stated in the application for condonation of delay. Hence, the interim application is dismissed. In view of dismissal of interim application, the second appeal also stands dismissed.

(GAURI GODSE, J.)