

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

**CIVIL APPLICATION NO.2835 OF 2018
WITH
CIVIL APPLICATION NO.2836 OF 2018
IN
FIRST APPEAL STAMP NO.20718 OF 2018**

Ramchandra Mahadev Kadam

...Applicant

vs.

Shital Anand Ohol & Ors.

...Respondents

Mr. Rahul S. Kate for the Applicant.

CORAM : SHYAM C. CHANDAK, J.

DATE : 1st APRIL 2025

P. C. :

CIVIL APPLICATION NO.2835 OF 2018

. Heard learned Advocate for the Applicant.

2) Present Application filed by Original Opponent No.1 seeking condonation of 3 years and 275 days delay in filing the Appeal.

3) Record indicates that the Respondent Nos.1 to 5 have been duly served. However, said Respondents have not filed their appearance. Hence, heard learned Advocate for the Applicant.

4) Admittedly, there is 3 years and 275 days delay in filing theaforesaid Appeal. The Judgment and Order which the Applicant intends to challenge by way of the First Appeal was passed on dated 19/07/2014. The Application for certified copy was filed on 01/03/2018.

The copy was ready on 03/03/2018 and delivered on 05/03/2018.

5) Learned Advocate for the Applicant submitted that the Applicant was not aware about the said Judgment and Order dated 19/07/2014, as his brother was looking after the matter and he expired on 12/04/2017. However, I fail to understand as to why the brother of the Applicant was looking after the matter, when he was not party before the Tribunal. As such, said ground is vague and baseless. The Application states that there was miscommunication between the Advocate on record and the Applicant. However, said ground is not properly described to explain the day to day delay. There is no other justifiable ground stated in the Application to condone the delay.

6) In view thereof, no case is made out to condone the delay in filing the aforesaid Appeal. Hence, the Application deserves to be rejected and is rejected, accordingly.

CIVIL APPLICATION NO.2836 OF 2018

. In view of disposal of Interim Application No.2835 of 2018, for condonation of delay in filing First Appeal Stamp No.20718 of 2018, this Application does not survive and is disposed of.

(SHYAM C. CHANDAK, J.)