

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14850 OF 2024
IN
FIRST APPEAL NO. 1048 OF 2011.

Namdeo Maruti Salve

...Applicant.

Versus

Union Of India Through General Manager

...Respondent.

Mr. Vasant N. More for Appellant.

Coram : Sharmila U. Deshmukh, J.

Date : January 2, 2025.

P. C. :

1. Interim Application has been preferred seeking recall of order dated 2nd August, 2011 dismissing the appeal for non-prosecution.
2. Learned counsel appearing for Applicant would submit that the conditional order though passed in the year 2011 was not to the notice of litigant and it was due to lapse on the part of previous Advocate that the Appeal came to be dismissed. He would further submit that Applicant has received serious injuries in the accident and therefore, sympathetic view may be taken.
3. Perusal of the Application would indicate that the only reason that is given is that the lapse is due to inadvertence of earlier Advocate of Applicant. The Applicant is completely bereft of any details as to the

steps taken by Applicant to contact the Advocate on record for inquiring about the matter in this period of thirteen years. It is equally the responsibility of litigant to be diligent about the matters and be in constant touch with their Advocates. There is no explanation for this inordinate delay of thirteen years and blame is sought to be laid on the shoulders of earlier Advocate for Applicant. Even if it is accepted for the sake of argument that injury has been sustained, considering the long lapse of thirteen years in filing the Application for restoration, I am not inclined to entertain the Application. Resultantly, the Interim Application stands dismissed.

[Sharmila U. Deshmukh, J.]