

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4688 OF 2025

Subhadra Narsingh Kadam & Ors

..Petitioners

Versus

Amar Narsingh Kadam & Ors

...Respondents

Mr. Mahadeo R. Sherekar, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED : 8th APRIL 2025

P.C.:

1. The challenge in this Petition is to an order dated 30th November 2024 passed by the learned District Judge, Baramati, District Pune, whereby an Application (Exhibit“40”) preferred by the Petitioners-Respondents, for condonation of delay of seven years and seven months in filing cross-objection came to be rejected.

2. In the Application (Exhibit “40”), Respondent Nos. 2 to 5 asserted that the cross-objection could not be filed within the statutory period as Respondent No.2 had met with an accident and was advised complete bed-rest.

3. The learned District Judge was of the view that, at best, some cause was ascribed qua Respondent No.2. There was no whisper about the circumstances on account of which the rest of the Respondents

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could not file the cross-objection for over seven years. The material on record does not indicate that even the Respondent No.2 was prevented by a sufficient cause from filing the cross-objection beyond September 2021. Yet, the Application came to be filed in October 2024. Moreover, since the decree is one of partition, no prejudice would be caused to the Respondents.

4. The view taken by the learned District Judge appears justifiable. The delay is both inordinate and unexplained. Especially as regards Respondent Nos. 3 to 5, no cause, much less, justifiable one has been ascribed.

5. Mr Sherekar, the learned Counsel for the Petitioners, attempted to salvage the position by canvassing a submission that Respondent No.2 was in the carriage of appeal. The contention appears to be self-serving. Even the cause ascribed for Respondent No.2 does not appear to be a sufficient cause for the delay of over seven years.

6. Moreover, having regard to the nature of the decree under Appeal, the Respondents would not suffer any prejudice as it would be open for the Respondents to agitate all the grounds which they intend to raise by way of cross-objection.

7. The Petition stands dismissed.

[N. J. JAMADAR, J.]