

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1714 OF 2025
IN
FIRST APPEAL NO.1313 OF 2015

Smt. Sulbha Chandrakant Jadhav and Ors.

... Applicants.

Versus

Triloknath Umanshankar Singh and Anr.

... Respondents.

Mr. T.R. Kale for the Applicants.

Coram : Sharmila U. Deshmukh, J.

Date : March 12, 2025

P.C. :

1. Interim Application has been preferred seeking recall of the order dated 26th February, 2018 and 23rd July, 2018, dismissing the Appeal as against the unserved Respondent Nos.1 and 2 and consequently, the Appeal having been dismissed and for condonation of delay of 6 years and 161 days caused in preferring the restoration Application. The Interim Application has been filed in the year 2025 seeking recall of the orders of 2018.

2. The only contention raised in the Application is that the earlier Advocate was suffering from age old related illness and therefore, steps could not be taken and the Applicants should not suffer for the mistake of the Advocate. The Application is bereft of

any details so as to condone the delay of 6 years and 161 days caused in preferring the Application. There is no pleading in the Application as to the efforts taken by the Applicants to keep in touch with their Advocate.

3. First Appeal is of the year 2015 and it cannot be accepted that for a period of almost 10 years, there was no contact between the Advocate and the Applicants. The Applicants seek to place the blame solely on their erstwhile Advocate, however, there is no pleadings as to the steps which were taken by the litigant themselves to ensure that their Appeal is properly prosecuted. The Application is filed in the cursory manner secure in the knowledge that the delay will be condoned as a matter of course. There is no explanation much less sufficient explanation for condoning the delay of 6 years and 161 days caused in preferring the restoration Application. As such, I am not inclined to condone the inordinate unexplained delay of 6 years and 161 days. The law of limitation is founded on public policy that there has to be a quietus to the litigation and the law of limitation though harsh is required to be applied with full rigour especially when the litigants themselves are negligent and wanting in bonafide.

4. In light of the above, Interim Application stands dismissed.

[Sharmila U. Deshmukh, J.]