

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

INTERIM APPLICATION NO. 3258 OF 2025

IN

REJECTED CASE NO. 428 OF 2020

IN

FIRST APPEAL (L) NO. 32875 OF 2017

Milind Mukund Purandare

.. Applicant

Versus

Shri. Sopan Rama Kaspate- since
Deceased-through Legal Heir-1-1)

Shri. Shantaram Sopan Kaspas & Ors.

.. Respondents

Adv. Ajay Bhise a/w. Adv. Deepali Kedar for the Applicant.

**Adv. Rashmin Khandekar a/w Adv. Prabhakar Jadhav a/w. Adv.
Pranav Nair for Respondent No. 3.**

Adv. Prasad B. Kulkarni for Respondent Nos. 10 & 11.

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE: JULY 4, 2025

P. C.

1. The above Interim Application is filed seeking to condone the delay of 5 years and 50 days in filing the present Interim Application. There

is also a prayer to restore the above Appeal which was dismissed by this Court, vide its order dated 6th December, 2019.

2. Normally, the Courts are quite liberal in condoning the delay so that the party would get an opportunity to raise their grievances on merits. However, the facts of this case are quite egregious. At the time of filing of the present First Appeal, the Appellant also filed Civil Application No. 556 of 2018, for Condonation of delay, and Civil Application No. 557 of 2018, seeking a stay of the impugned order. The Registrar Judicial (II) vide its order dated 18th July, 2018, noted that Respondent Nos. 1(a), 2(c) and 2(f) had expired and as a result, the Application stood abated against these deceased Respondents. When the matter came up before the Court on 4th November 2019, this Court noted that the Applicant had not taken steps to substitute the deceased Respondents and granted 2 weeks time to rectify the mistake.

3. Thereafter, on 29th November, 2019, the Appellant sought additional time to bring the deceased Respondents legal heirs on record. In light of this, this Court passed a final conditional order granting an additional period of 2 weeks for the Appellant to take the necessary steps. Despite this, the Appellant failed to take steps to bring the legal heirs of the deceased Respondents on record. In these circumstances, on 6th December, 2019, this

Court dismissed the Civil Application seeking condonation of delay and consequently also the First Appeal.

4. Thereafter, the Appellant filed Interim Application No. 91 of 2020 seeking restoration of the above First Appeal. This Restoration Application was listed before the Registrar on 12th March, 2021, when the Appellant was given 3 weeks time to remove office objections. This was obviously not done. Therefore on 8th September, 2021, the Appellant was given a further period of 8 weeks, and on 29th September, 2021, a further period of 3 weeks was granted to the Appellant [to remove the office objections] failing which the Application seeking restoration of the First Appeal would be placed for dismissal. Finally on 15th November, 2021, Interim Application No. 91 of 2020 was disposed of due to non-compliance of removal of office objections by the Appellant.

5. Thereafter, the Appellant filed a another Interim Application being Interim Application(L) No. 469 of 2022. This Application was filed on 5th January, 2022. Once again, the Appellant sought restoration of the First Appeal attributing prior non-compliance to the previous Advocates' negligence and now claiming that the Application could not be filed in time due to the Covid-19 pandemic. This Second Restoration Application was

listed before the Registrar on 1st August 2022, and 3 weeks time was granted to the Appellant to remove office objections. Since this was not done on 23rd August, 2022 a further period of 3 weeks time was granted. Finally on 14th September, 2022 the Registrar granted another 3 weeks to the Appellant to remove the office objections and made it clear that the Application would stand refused upon failure to comply. Since, the Appellant did not comply with the order of the Registrar, even the second Restoration Application [Interim Application (L) 469 of 2022] stood dismissed.

6. Now the Appellant has taken out a third Restoration Application being Interim Application No. 3258 of 2025. In this Interim Application also, the cause for the delay is once again attributed to the previous Advocate of the Appellant. This is the only excuse trotted out seeking condonation of delay. Having gone through the Interim Application and the averments made therein, we find that absolutely no case whatsoever has been made out to show cause for the delay. This apart, we find that the Appellant resides in a high end apartment building in Pune and is an educated person. It is not as if he is some poor agriculturist who does not understand the procedures of Courts or the implications of not approaching the Court in time. In fact, in this case, we would have been fully justified in dismissing the Interim Application with heavy costs being imposed on the Appellant. However,

considering that he is an individual, purely out of mercy, we refrain from doing so.

7. In view of the above discussion, we find absolutely no merit in the above Application. It is accordingly dismissed. However, there shall be no order as to costs.

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]