



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, AT NAGPUR.**

**Civil Application (CAO) No. 139 of 2024**

in

**Misc. Civil Application St. No. 334 of 2024**

in

**Writ Petition St. No. 22472 of 2019**

[Maya w/o Suresh Jadhao through Power of Attorney holder  
Shree Suresh K. Jadhao ..vs.. State of Maharashtra, through  
Divisional Commissioner, Nagpur and ors.]

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

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Mr. L. H. Kothari, Advocate for the applicant/petitioner  
Ms. K. P. Marpakwar, AGP for the State  
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**CORAM : ANIL L. PANSARE J.**

**DATED : 11-02-2025**

By present application, the applicant/petitioner is seeking to condone delay of 1409 days in filing restoration application.

2. It appears that the petition was dismissed on 20-11-2020 for non removal of office objections. The reason for delay is negligence by the Advocate who was then appearing for the petitioner. According to the petitioner, the Advocate did not inform her about dismissal of the petition. Thus, the only reason for coming to Court after 1409 days is the negligence and carelessness of the Advocate attending the proceedings.

3. The Hon'ble Supreme Court in the case of ***Rajneesh Kumar and another Vs. Ved Prakash [2024 SCC OnLine SC 3380]*** has held as under.

*“10. It appears that the entire blame has been thrown on the head of the advocate who was appearing for the petitioners in the trial court. We have noticed over a period of time a tendency on the part of the litigants to blame their lawyers of negligence and carelessness in*

*attending the proceedings before the court. Even if we assume for a moment that the concerned lawyer was careless or negligent, this, by itself, cannot be a ground to condone long and inordinate delay as the litigant owes a duty to be vigilant of his own rights and is expected to be equally vigilant about the judicial proceedings pending in the court initiated at his instance. The litigant, therefore, should not be permitted to throw the entire blame on the head of the advocate and thereby disown him at any time and seek relief.”*

As could be seen, the litigants ought not to blame their lawyer for negligence and carelessness in attending the proceedings and that they ought to be vigilant of their own rights.

4. This Court in the case of ***Kanta alias Shanti w/o Subhash Karkale .vs. Manjulabai alias Kholki w/o Haribhau Tarare and anr. in Civil Application No. 19/2018 in Second Appeal St. No. 22803/2017 on 18-6-2019*** has held that if litigant desires to blame the Advocate, he should be made party to the proceedings and that a person should not be condemned behind his back.

5. Considering the aforesaid position of law as spelt out in the judgments referred to above, I do not find that the applicant/petitioner has shown any cause, much less, justified cause to approach the Court after such an inordinate delay. The application is rejected.

(Anil L. Pansare, J.)