



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

WRIT PETITION NO. 2894 OF 2025

(Vasant Purushottam Chowhan Vs. Mamata Mukund Amte & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. R.L. Alone, Counsel for the petitioner.

.....

CORAM : ANIL L. PANSARE, J.
JUNE 10, 2025

The petitioner is aggrieved by order dated 26/7/2022 passed below Exh. 1 by the District Judge – 3, Chandrapur, in Misc. Civil Application No. 86/2019, thereby rejecting the application moved by the petitioner to condone delay of about 8 ½ years in filing appeal against the judgment and decree dated 4/9/2010 passed by the trial Court in Special Civil Suit No. 19/1998.

2] It appears that the suit for specific performance of contract filed by the respondents came to be partly allowed. The petitioner – original defendant remained silent for 8 ½ years and then approached the Appellate Court on the ground that his financial position was not good and that he was not aware of the provisions of law as regards limitation.

3] The Appellate Court referred to two judgments, viz., *Union of India and others Vs. Nripen Sarma* [2013(4) Mh.L.J. 121] and *Padmsey Khimji Chheda and another Vs. Kesarben Laxmichand Dedhia and others* [2016(5) Mh.L.J. 429], wherein the Hon'ble Supreme Court held that in absence of satisfactory

explanation to condone delay, the application is liable to be rejected, and further, that absence of knowledge of judgment or change of law cannot be the reason to condone delay.

4] In light of above, the Appellate Court was of the view that the reasons put forth were vague and that both the reasons were not sufficient to condone enormous delay of 8 ½ years.

5] I do not find any error in the said approach. The petitioner failed to put forth any ground to condone delay. Mere statement that he was not in a sound financial position or that he was not aware of the provisions of law, is not a ground to condone delay. If the petitioner had financial limitations, he could have approached the legal aid cell for appropriate relief. As regards ignorance of law, it is well settled that the same cannot be the reason to condone delay.

6] That being so, there appears no reason to interfere with the impugned order in supervisory jurisdiction under Article 227 of the Constitution of India. The petition is dismissed in *limine*. No costs.

(ANIL L. PANSARE, J.)

Sumit