



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

Writ Petition No. 121 of 2025

[Ajay S/o Balkrishna Petkar ..vs.. Yamuna Narendra Jetha and ors.]

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

Court's or Judge's orders

Ms. S. B. Saikhede, Advocate for the petitioner

CORAM : ANIL L. PANSARE J.

DATED : 05-03-2025

Heard.

2. The petitioner – original defendant intends to challenge order dated 29-11-2022 passed below Exhibit 35 in RCS No. 334/2018 directing the petitioner – defendant to deposit in the Court an amount of Rs. 4,12,500/- towards the amount of arrears of rent with further direction to pay monthly rent at Rs. 5,000/- from 1-11-2022 till final decision of the suit.

3. Respondent no. 1 filed suit for payment of arrears of rent. I am informed that the matter is now fixed for final argument.

4. Thus, the interim arrangement made vide order dated 29-11-2022 is being challenged after three years when the matter is fixed for final argument. The petitioner has not assigned any reason, much less sufficient reason, for approaching this Court after three years. The petition, therefore, suffers from delay and laches. The consequences of delay and laches have been spelt out by the Hon'ble Supreme Court in the case of *Mrinmoy Maity Vs. Chhanda Koley and ors.* [2024 SCC OnLine SC 551]. The ratio decidendi of the case revolves around the principles of delay and laches in the context of writ petitions. The court emphasized that a writ petitioner who approaches the court belatedly, without a

reasonable explanation for the delay, should not be granted extraordinary relief. The court reiterated that “delay defeats equity” and that the High Court may refused to exercise its extraordinary powers if the applicant’s laxity in asserting their rights has allowed the cause of action to drift away.

The Court also held that if the writ petitioner is guilty of delay and laches, the High Court ought to dismiss the petition on that ground itself in as much as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong.

5. In the present case, the petitioner has slept over his right for all these years and got up only when the matter was fixed for final argument. That being so, I am not inclined to entertain this petition. The petition is accordingly dismissed.

(Anil L. Pansare, J.)