

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

**APPEAL FROM ORDER NO. 159 OF 2021
WITH
INTERIM APPLICATION NO. 11973 OF 2024
IN
APPEAL FROM ORDER NO. 159 OF 2021**

Subhash Kisan Naikwadi

... Appellant

V/s.

**Damodar Devji Naikwadi (Dead)
through LRs A. D. Naikwadi (Dead)
through LRs Laxmibai Shivaji Naikwadi & Ors.**

... Respondents

Ms. Usha Agarwal (through V.C.) a/w. Mr. Sachin Punde a/w. Mr. Suraj Jadhav for Appellant.

Mr. Namitkumar S. Pansare for Intervenor.

CORAM : FARHAN P. DUBASH, J.

DATE : 10th FEBRUARY 2026

P. C.:

1. The present Appeal challenges an order dated 3rd March 2020 passed by the learned District Judge-1, at Khed-Rajguru Nagar, Dist. Pune in Civil Miscellaneous Application No. 50 of 2017. By this impugned order, the Trial Court rejected the Application preferred by the Appellant herein which sought condonation of delay and restoration of the Civil Appeal bearing No. 7 of 2014 that was originally filed by him.

2. A perusal of the impugned order further reveals that prior to filing of Civil Miscellaneous Application No. 50 of 2017 in which the impugned order was passed, the Applicant had preferred Civil Miscellaneous Application No. 16 of 2015 seeking the same reliefs of condonation of delay and restoration of the Civil Appeal, which came to be dismissed for want of prosecution vide order dated 22nd November 2016. Instead of taking any steps against such order, it appears that the Appellant chose to file a fresh Civil Miscellaneous Application bearing No. 50 of 2017 seeking the same reliefs. What makes the matter worse is that in this subsequent Application, he did not mention the filing and the dismissal of the earlier Civil Miscellaneous Application, which was brought out only during the course of arguments. Accordingly, the Trial Court has rejected Civil Miscellaneous Application No. 50 of 2017 filed by the Appellant.

3. I have heard the parties. I am unable to agree with the submissions made by Mr. Sachin Punde, learned Counsel who appears on behalf of the Appellant. There are no grounds that warrant any interference with the impugned order, which is rightly passed rejecting the subsequent Civil Miscellaneous Application No. 50 of 2017. As sought to be contended by Mr. Punde, it would not lie in the mouth of the Appellant to contend that, despite signing/affirming/filing the earlier Civil Miscellaneous Application

No. 16 of 2015, he did not know what was being signed and therefore was not aware of the earlier Application of its contents and its dismissal for want of prosecution.

4. Considering this, the present Appeal From Order is dismissed. There shall be no order as to costs.

5. All pending Interim Applications taken out in the present Appeal, if any, also stand disposed of in terms of this order, and all interim orders passed, therein if any, also stand vacated.

(FARHAN P. DUBASH, J.)

Ajay Jadhav