

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)...../2013

(CC 8831/2013)

(From the judgement and order dated 03/02/2012 in SA No.402/2011 of The
HIGH COURT OF BOMBAY AT AURANGABAD)

UMRAO

Petitioner(s)

VERSUS

DATTATRAYA & ANR.

Respondent(s)

With I.A.1 (C/delay in filing SLP and office report)

Date: 26/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s) Mr.Arvind S.Avhad, Adv.
Mr. V.K. Sidharthan, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

This petition is directed against judgment dated 3.2.2012 of the learned Single Judge of the Bombay High Court, Aurangabad Bench, whereby he dismissed the second appeal filed by the petitioner and upheld the judgment and decree passed by the lower appellate Court. The petitioner has also filed an application for condonation of 321 days' delay.

We have heard learned counsel for the petitioner. In our view, the cause shown in paragraph (2) of the application for condonation of delay, to say the least, is wholly unsatisfactory and there is no valid ground much less justification for exercise of power by this Court under Section 5 of the Limitation Act.

We are also of the view that the concurrent finding recorded by the trial Court and the lower appellate Court on the entitlement of respondent No.1 to seek specific performance of the agreement for sale dated 24.6.1993 was based on correct analysis of the pleadings and evaluation of the evidence produced by the parties and the learned Single Judge of the High Court did not commit any error by dismissing the second appeal.

With the above observations, the special leave petition is dismissed as barred by time and also on merits.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master