

MHNG010160122025



Presented on : 27.11.2025
Registered on : 27.11.2025
Decided on : 29.06.2026
Duration : Yr. Mnt Day
00 07 02

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-16, NAGPUR.
(Presided Over by Smt. H. A. Ansari)

Cri. M. A. No. 600/2025

Exhibit No.: 5

Applicant

**Khushi Caters through its Pro. Keshav
S/o Ishwar Dhawade**
Aged 48 years, Occu - Business
R/o. Juna Bagadganj, Nagpur.

-: V E R S U S :-

Non-applicant

1 Nitin S/o Deoraoji Gumgaonkar
Aged about 49 years, Occu - Business
R/o. Lalganj, Raut Chowk, Nagpur.

Learned Advocate Smt. Archana Ghutke for applicant
Non-applicant proceeded exparte

**APPLICATION UNDER SECTION 5 OF THE LIMITATION ACT FOR
CONDONATION OF DELAY.**

JUDGMENT

(Delivered on 29th day of June, 2026)

Proceeding in hand is filed under section 5 of the Limitation Act for condonation of delay of about 414 days caused in filing appeal against the order of dismissal in default dated

08.10.2024 passed by the learned trial Court, Nagpur in S.C.C. No.6622/2012 on the claim and contention that being a layman applicant had no idea of further procedure to be invoked. Hence delay caused which is not intentional and deliberate.

2] Despite service non-applicant has not appeared.

3] Heard oral argument. Following are the points for determination. Findings thereon are for the reasons stated hereinafter.

Sr.No.	Points	Findings
1.	Is delay to be condoned ?	Yes.
2.	What order ?	As per final order.

REASONS

4] Considering the submission supra and in circumstance delay does not appears to be deliberate and intentional and is sufficiently explained. Merits and demerits of the impugned order would be addressed at an appropriate stage only after registration of appeal. Considering the reasons of delay fair opportunity needs to be given. Hence, delay needs to be condoned.

5] Net residue thus result into the following order;

Order

- i) Application allowed.
- ii) Delay of 414 days is hereby condoned subject to cost of Rs.1,000/- to DLSA, Nagpur.

iii) Appeal be sent to the concerned for registration.

Nagpur.

Date : 29.06.2026

(**Smt. H.A. Ansari**)

Additional Sessions Judge-16,
Nagpur

Endorsement

Case argued on	:	29.06.2026
Judgment dictated on	:	29.06.2026
Transcription ready on	:	29.06.2026
Judgment checked and signed on	:	29.06.2026

CERTIFICATE

I affirm that contents of this P.D.F. file of Judgment are word to word, as per original Judgment.

Name of Stenographer : I.G. Sonkusare (Grade-I)