

MHKO080007412022 	<u>ORDER BELOW EXH. 1 IN CIVIL MISC.</u> <u>APPLICATION NO. 39/2022</u> <u>(Chandrakant Bhima Bhat Vs. Zunzarrao</u> <u>Baburao Devarde)</u>
--	---

1. Present application is filed by the applicant to condone the delay of 30 days to file appeal against the order passed by learned Civil Judge Junior Division, Gadhinglaj in Regular Civil Suit No.77/2018 below Exh.5.

2. Learned advocate for the applicant submitted that the delay caused to file an appeal was unintentional. Said matter was fixed for order for long period. Suddenly order was passed below Exh.5. Hence, the appellant was not knowing about the passing of order. As and when opponent came to know about order, he immediately applied to get certified copies and filed this application to condone the delay. The delay is totally unintentional, hence it be condoned.

3. In spite of repeated call no one present for respondent No.1 to 3. Respondent No.1 to 3 filed say below Exh.32. They resisted the application on the ground that delay is intentional. No sufficient reason was given for delay. In order to harass and cause loss to the respondent No.1 to 3, present application is filed. Actually, original suit is fixed for evidence. Hence, the application may be dismissed.

4. On perusal of record it finds that there is only 30 days delay. Order passed below Exh.5 on 14/09/2022. Immediately applicant filed application to get certified copies and file this application to

condone the delay. Said appeal is regarding order passed below Exh.5. It shows that the applicant was not having any intention to cause any inordinate delay. Hence, application is allowed and delay is entitled to be condoned. Hence, the following order is passed.

ORDER

1. The application is allowed.
2. Officer is directed to register the appeal.

Place : Gadhinglaj
Dt.: 24/07/2025.

(O. R. Deshmukh)
District Judge-1, Gadhinglaj.