

The appellant counsel present, filed memo along with certified copy of petition in respect of FDP No. 9/2025, Certified Copy of Commissioner Report seeking to allow the I.A. No. I and II by condonation of delay and stay the further proceedings in FDP No. 9/2025 till disposal of this appeal.

On the other hand, the respondent No. 1, 8 and 9 are remained absent, placed them ex-parte.

Perusal of the memo and documents reveals that the respondents obtained an ex parte partition decree in O.S. No. 48/2022 dated 24-11-2025, and final decree proceedings have already been initiated. The Court Commissioner has also submitted his report based on the said ex parte partition decree. Therefore, if the Court waits for the appearance of respondent No. 4 before passing any order on the condonation of delay and granting a stay of proceedings in FDP No. 9/2025 on the file of the Additional Civil Judge Court, Chincholi, the very purpose of filing the present appeal against the non-contest judgment dated 24-11-2025 in O.S. No. 48/2022 will be defeated.

Therefore, this Court has taken steps for disposal of I.A. No. I and II for condonation of delay and stay of further proceedings respectively. Hearing heard. For orders.

**Orders on I.A.No-I U/Sec. 5 of
Limitation Act filed by Appellant**

The appellant has filed this application U/s.5 of Limitation Act and sought to condone the delay of 36 days including Civil vacation of December 2025 in preferring this appeal.

2. The appellant has sworn to an affidavit in support of IA and stated that due to ill-health and also during the Civil Vacation, he has not been preferring the appeal against the judgment and decree passed in O.S. No. 48/2022 dated, 24-11-2025 passed by the learned Addl. Civil Judge, Chincholi. Hence, there is a delay of 36 days in filing this appeal. The delay is not intentional one. Hence prays to allow the IA.

3. The respondent No. 1, 8 and 9 are appeared but not appoint their own choice counsel. The respondent No. 2, 5, 6 and 7 remained absent even though service of appeal notice.

4. Perused the records. Heard arguments.

5. On perusal of the records it is found that there is a delay of only 36 days in preferring this appeal. The appellant has stated on oath that he was suffering ill-health and also Civil Vacation on December 2025. Hence, there is delay and the delay is not intentional one. Therefore it appears that the delay is caused due to bonafide reason. If the delay is condoned no inconvenience would be caused to the respondents. Hence the following:

OR

DER

I.A.No-I, U/Sec.5 of limitation Act filed by the appellant is hereby allowed.

The delay of 36 days caused in preferring this appeal is hereby condoned.

**Senior Civil Judge & JMFC,
Chincholi**