

IN THE COURT OF DISTRICT JUDGE-1, WARUD,
DIST AMRAVATI.

MHAM190001042025

**Misc. Civil Application No.4/2025****Natthuji Bisandare and Ors.****.Vs.****Arun Jaiswal and Ors.**

ORDER BELOW EXH.01

(Passed on 22nd day of July, 2026)

01] This is an application on behalf of the applicant for condonation of delay of 67 days for filing the appeal.

02] Notice duly served upon the non applicant. He has filed his reply vide Exh.10 and resisted the claim of the applicant. He claimed that there is no convincing reason for delay and there is no substantive reason to prefer this application, hence it be rejected.

03] Heard Ld. Counsel for the applicant and oral argument of the respondent side were closed vide Order Below Exh.1 on 09.07.2026. Perused written notes of argument filed by applicant vide Exh. 11.

04] Perused the record. It is the submission of the applicant that there is no intentional delay on the part of applicant and after filing of the appeal, that the appellant contacted his counsel for filing appeal but due to some unavoidable circumstances the previous counsel did not file the appeal within limitation, hence this resulted into 67 days of delay to prefer application.

05] As per Section 5 of Limitation Act, the court needs to see whether the applicant satisfy the court that he had sufficient cause for non-preferring the appeal. However, this court will also consider the affidavit filed in support of pleadings.

06] On perusal of the record, it appears that the judgment and order was passed in RCS No. 71/2015 on 10/10/2024, it appears that the applicant applied for certified copy on 11/10/2024, and he received copy on 21/10/2024. Therefore, there is 10 days delay in receiving certified copy and the application was moved on 22/01/2025, though the period ended on 11/11/2024, which means there is a delay of about 53 days.

07] However, even if such delay is explained properly, a liberal approach has to be taken by this Court. There is no grounds to suggests that the applicant is benefiting by lodging the application late. A pedantic approach is not to be taken for seeking every single days delay. Applying the common sense, in a pragmatic manner, it can be safely held that the delay that has occasioned is not due to culpable negligence or account of malafides, and, therefore, in larger interest of justice and since it does not seem to be intentional or deliberate and not prejudicing the rights of the respondent, the sufficient cause is shown by the applicants to condone the delay. Therefore, the delay needs to be condoned. While condoning the delay, non-applicants need to be compensated. Considering the length of delay of about 53 days, it would be just and appropriate to award costs of Rs.600/- to

be paid to the respondents. Therefore, I proceed to pass the following order as under :-

ORDER

- 01] Application Exh. 01 is allowed subject to costs of Rs.600/-
- 02] On deposit of aforesaid costs in court within 15 days, the Misc. appeal shall be registered.
- 03] Non-applicants/ respondents would be entitled to withdraw costs of Rs.600/-.
- 04] Application is disposed off accordingly .

Date: 22/07/2026

(A.A. Panchbhai)
District Judge-1, Warud.
