


IN THE COURT OF THE DISTRICT JUDGE-1, BULDHANA

(Presided over by **Shaikh Akbar Shaikh Jafar**)

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| MHBU010013692023 | Civil Misc.A No. 131/2023 |
|  | Ramprasad Jayaji Wanve ...Versus... Sau.Prayagbai Radheshyam Sanap+1 |

ORDER BELOW EXH.1

(Passed on this 11th day of March 2026)

1] This application is filed for condonation of delay in filing Reg.Civil Appeal against the Judgment and order passed by the learned Civil Judge, Jr.Dn. Deulgaon Raja in RCS No.89/2012 dated 11.7.2023. It is the contention of the applicant that his Counsel did not convey status of matter to him and when he tried to contact him, he was out of station and his Clerk told that Judgment was pronounced in the matter. For the first time, applicant received knowledge of decree of suit on 8.11.2023. On the same day, he applied for certified copies and received it on 22.11.2023. As such, appeal could not be filed within time and delay of 116 days has been caused in filing Reg.Civil Appeal and prayed for condonation of delay.

2] Respondents appeared in response to the notice and submitted their reply vide Exh.13 contending that application is strongly opposed. There is no specific reason mentioned in the application. Lastly, prayed for rejection of application.

3] Heard rival parties at length. There is delay of 116 days. It is the contention of applicant that his Counsel has not intimated regarding judgment passed by learned trial Court on 24.7.2023. He came to know the passing of judgment on 8.11.2023 and immediately applied for certified copies and applied for condonation of delay before this Court. According to the Counsel of applicant the delay has been caused due to the omission on the part of previous Counsel to give updates regarding passing of judgment. It is well settled that the party should not suffer for the act and omission of Counsel. In this case, it appears that delay has been caused due to omission on the part of Counsel to intimate the applicant regarding the decision of suit before trial Court. Thus, the submission of Counsel of applicant appears to be probable, hence, delay has been properly explained and needs to be accepted.

4] It is well settled that filing appeal against the Judgment and order of learned Trial Court is fundamental and constitutional right. One should not be deprived from filing appeal against the judgment and order of learned Trial Court. Considering the mode of practice before trial Court, I am of the view that, it is probable that the applicant may have consumed near about three months for contacting his Counsel of trial Court and to obtain certified copies. However, even if it is presumed that, he could have contacted his Counsel at earliest, the delay caused in filing of appeal may be condoned subject to costs, which will be just and proper in the interest of justice. Hence, I proceed to pass the following order;

ORDER

- 1] Application is allowed subject to cost of Rs.2,000/-.
- 2] Applicant/appellant is directed to pay cost of Rs.2000/- to non-applicants/respondents within one month from the date of order.
- 3] After depositing payment of cost, appeal be registered as per rules.

Buldhana
Date:11.3.2026

(Shaikh Akbar Shaikh Jafar)
District Judge-1,
Buldhana