

IN THE COURT OF PRINCIPAL DISTRICT JUDGE, GADCHIROLI
(Presided Over by Mr. U.B.Shukla)

Reg.Civil Appeal No.28/2016

Exhibit No.20

Appellant: Sitadevi Harvansh Bhattad

..versus..

Respondents : Shevantabai w/o Kacharu Khobragade &
4 others

O R D E R (Below Exh.20)

(Passed on this 18th day of August 2021)

1] The respondent nos. 1 to 5 intend to file cross-objection concerning the Regular Civil Suit No.16/2008 which is subject matter of the present appeal. According to the respondent no.3, Dayaram was looking after the case but he was ill from 02.06.2018 till 10.06.2018 and therefore/thereafter, he could not contact his advocate and prepared cross objection and therefore could not file it on 04.06.2018. The opening day of the Court, respondent no.3 contacted his advocate on 13.6.2018 on which day the appeal was fixed. The advocate for the respondent prepared cross objection on 15.06.2018 but it could not file as again respondent no.3 was unwell and was admitted to Sub-District Hospital, Kurkheda. He was hospitalized from 16.6.2018 to 18.6.2018. He contacted his advocate after he got recovered from his illness on 18.07.2018 on which day the cross objection are filed. The respondent therefore have submitted that the ground for delay is good and sufficient and therefore be condoned.

2] The appellant by filing reply at Exh.21 have disputed the correctness of ground for causation of delay and have opposed the application.

3] The valuable rights of the parties are involved in the present case. The delay of 44 days caused in presenting the present appeal no means considered to be inordinate. The grounds stated in the application apparently are not unreasonable or improbable. It is always desirable to decide the dispute between the parties involving valuable civil rights on merits rather than on technicalities. There is no doubt about the genuineness of the grounds stated in the application since no malafide are brought on the record. Under such circumstances, I find that there is good and sufficient ground for condonation of delay of 44 days in filing the cross objection. Hence I answer point no.1 in the affirmative and proceed to pass following order.

ORDER

1. Application Exh.20 is hereby allowed.
2. The delay of 44 days caused in presenting the cross objection is hereby condoned.
3. The cross objection be brought on record.

Sd/-

(U.B. Shukla)

Date:18-08-2021

Principal District Judge, **Gadchiroli**

CERTIFICATE

I affirm that the contents of this PDF file order are same word for word as per original order.

Name of Stenographer	S.S.Khose, Stenographer (Grade-1)
Name of the Court	Sessions Court, Gadchiroli
Order dictated on	18-08-2021
Order delivered on	18-08-2021
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Order signed by P.O. on	20-08-2021
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