



IN THE COURT OF DISTRICT JUDGE-1, & ASJ, GONDIA.

M.J.C. No. 08/2026
(CNR NO.MHGO010000492026)

SUBHASH THARAD -VS- JEETENDRA & OTH.

ORDER BELOW EXH. 01.

(Passed on this 16th day of April, 2026)

Seen application.

2. There is delay of 24 days in preferring appeal challenging judgment and decree dated 15/10/2025 passed by Joint Civil Judge Senior Division, Gondia in Special Civil Suit No. 18/2013. Applicant seeks condonation of the said delay.

3. Heard.

4. Non-applicants have filed reply and opposed this application contending that the reasons mentioned in the application at hand is not sufficient.

5. It is submitted that Spl. Civil Suit No. 18/2013 was filed claiming specific performance of contract and in the alternative for refund of money. Both the said reliefs are rejected. It is contended that in written statement, defendants pleaded arbitration agreement and award. In connection with the said defence, applicant contended that the said documents including award is forgery.

6. It is also to be noted that the defendants are also coming forward with plea that contract for sale involved in suit is brought in to existence fraudulently. It seems that learned trial court on the basis of evidence has found substance in contention urged by the defendants.

7. Therefore, upon passing of the impugned decree, applicant took legal opinion in the matter and in that process delay of 24 days has occurred. Thus, reasons stated for condonation of delay demonstrate sufficient cause. Further, the said delay of 24 days seems to be unintentional. As such, considering that first appeal is valuable legal right of litigent, if appellant is allowed to contest first appeal then no prejudice as such would be caused to the respondents. Hence, delay at hand deserves to be condoned. Accordingly, the following order.

ORDER

MJC No. 08/2026 is allowed.

2. Delay of 24 days in preferring appeal is hereby condoned.
3. Office is directed to register the appeal.
4. Accordingly, case is disposed of.

Gondia.
Dated: 16.04.2026.

(A. S. Pratinidhi)
District Judge-1 & ASJ,
Gondia.