

IN THE COURT OF DISTRICT JUDGE- 4 GONDIA.



M.J. Case No. 64/2025  
(CNR No. MHGO010008102025)

Yamunabai + 2 vs Sanjay.

ORDER BELOW EXH. 1.  
(passed on 30/03/2026)

The present application is filed under Section 5 of the Limitation Act seeking condonation of delay of 452 days in preferring the appeal against the order dated 15/02/2024 passed below Exh.-5 in R.C.S. No. 13/2024 passed by the learned Civil Judge, Junior Division, Gondia,

2. It is contended by the applicants that they are illiterate persons residing in a remote Village and belong to Scheduled tribe community. It is stated that, the applicant Nos. 1 is an aged lady suffering from ailments and applicant No.2 is a widow. due to lack of knowledge of Court proceedings and absence of communication facilities and financial constrain, they could not contact their advocate and arrange for filing of appeal within prescribed period. It is further stated that, the delay is neither intentional nor deliberate. Hence, prayed for allowing the application.

3. Per contra, the non-applicants opposed the application contending that no sufficient cause is made out for condonation of delay and that no documentary evidence is

produced in support of the explanation. It is therefore prayed that the application be rejected.

4. Perused the record. Heard learned Advocate for applicants Smt. Hemlata Pateh and learned Advocate for Non-applicants Shri. Shubham Ramteke. Perused the written notes of the arguments of applicant below Exh.12. Following points arise for my determination and I have recorded my findings to the same with reasons to follow as under:

<u>Sr. No.</u>	<u>Points.</u>	<u>Findings.</u>
1.	Whether applicants prove that they have sufficient cause for not preferring appeal within prescribed period of limitation ?	.... Yes.
2.	What order ?	As per final order.

### REASONS

#### AS TO POINT NOS. 1 & 2:

5. Impugned Order is passed on 15/02/2024 in R.C.S. No. 13/2024. Present application is filed 13/06/2025, Appeal ought to have been filed within period of 30 days from the date of order in view of Article 116 (b) of the Limitation Act. Undisputedly appeal is not preferred within aforesaid period of limitation.

6. I have considered the rival submissions and perused the record. It is well settled that while considering an application under Section 5 of the Limitation Act, the court is required to adopt a liberal approach, provided the delay is satisfactorily explained and is not deliberate or malafide. The length of delay is not material, what is material is the sufficiency of the cause shown.

7. In the present case, though the delay is of 452 days, the explanation offered by the applicants appears plausible and there is nothing on record to indicate that the delay was intentional or with a view to gain undue advantage. No serious prejudice is likely to be caused to the non-applicants if the delay is condoned, whereas refusal to condone the delay would result in denial of an opportunity to the applicant to contest the matter on merits.

8. In view of the above discussion, I am of the opinion that the applicant has shown sufficient cause within the meaning of Section 5 of the Limitation Act. At the same time, considering the length of delay and the objections raised, it would be appropriate to balance equities by imposing costs. **Hence point no. 1 is answered in affirmative** and I pass following order :

#### **ORDER**

- 1] Application is allowed.
- 2] The delay caused in preferring proposed

4

appeal is condoned subject to payment of cost of Rs. 1000/- to be paid to the non-applicants within 30 days from the date of order.

- 3] The appeal be registered on payment of cost.
- 4] Inform the concerned section accordingly.

Place : Gondia.  
Date : 30/03/2026

Sd/-  
(A. C. Khurana)  
District Judge-4,  
**Gondia.**