

MHKO010003032026



Received on : 19-01-2026  
Registered on : 20-01-2026  
Decided on : 17-04-2026  
Duration : Ys. Ms. Ds.  
00 02 29

**IN THE COURT OF AD-HOC DISTRICT JUDGE-1,**  
**KOLHAPUR, AT KOLHAPUR.**

( Presided over by : Smt. S. Y. Deshmukh )

**Civil M.A. No.11/2026**  
**Exh.No.**

**Sunil Bhauso Kolse**

A/a 52 Yrs., Occu.- Farmer  
R/o. 164/1, Kolse Mal, Bachani  
Tal. Karveer, Dist.- Kolhapur.

... **Applicant**

**Versus**

- 1] **Vijay Dhanaji Kalantre**  
A/a 26 Yrs., Occu.- Farmer,  
R/o Bachani, Tal.- Karveer,  
Dist.- Kolhapur.
- 2] **Bhagvan Narayan Karande**  
A/a 49 Yrs., Occu.- Farmer,  
R/o As above
- 3] Rohit Dhanajirao Kolse (Deceased)
  - 3.3] **Jaymala Dhanajirao Kolse**  
A/a 65 Yrs., Occu.- Housewife,
  - 3.4] **Nirja Rohit Kolse**  
A/a 23 Yrs., Occu.- Education,

4] **Anuja Rohit Kolve**  
A/a 33 Yrs., Occu.- Housewife,

5] **Viren Rohit Kolve**  
A/a 25 Yrs., Occu.- Education,  
R/o 301, Sharada Apartment,  
Nagala Park area, Tal. Karveer,  
Dist. Kolhapur.

... **Opponents**

**::Appearance ::**

Shri. Z.A.Pendhari, Learned advocate for the applicant.

Shri. V.S.Banne, Learned advocate for the opponents.

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**::J U D G M E N T ::**

( Delivered on 17-04-2026 )

1. This is an application filed U/s. 5 of the Limitation Act, 1963 for condonation of delay in preferring the accompanying appeal against the impugned order below Exh.5 dated 25-11-2025 passed by the learned 14<sup>th</sup> Jt. Civil Judge Senior Division, Kolhapur in Regular Civil Suit No.36/2025.

2. The reasons for delay as stated in the application are that of illness, age factor and also time required to consult the counsel and to collect requisite documents. According to applicant, there is no gross negligence, inaction or lack of bonafides on the part of the applicant. The delay is not intentional nor deliberate. If the delay is condoned, no prejudice will be caused to the respondent. As such the applicant prayed for condonation of delay period in filing the appeal.

3. The opponents have filed their say at Exh.9 and opposed the application on the ground that the reasons mentioned in the application are false and imaginary. The medical evidence is not genuine. Accordingly opponents prayed to reject the application.

4. Heard both Ld. Counsels. Perused application, supporting affidavit and documents annexed thereto.

5. From the record it appears that the order on interim application was passed by Ld. Trial court on 25-11-2025. As such the appeal ought to be filed within 30 days i.e. 25-12-2025, but at the relevant time there were winter vacations and court re-opened on 1<sup>st</sup> January 2026. The application appears to be presented by e-filing on 17-01-2026. As such there appears delay of 15 days and not of 5 days as alleged by the applicant.

5. The law regarding condonation of delay is well settled. The purpose of Limitation Act is not to destroy rights but to ensure that the parties do not resort to dilatory tactics. While the length of the delay is a relevant factor, the primary focus of the Court is to ascertain whether the applicant has shown “sufficient cause” for not filing the appeal in time. The expression ‘sufficient cause’ must receive a liberal construction to advance substantial justice.

6. In Mool Chandra Vs. Union of India, 2024 INSC 577 (August 5, 2024), the Hon’ble Apex Court has observed that, the

cause of delay, not its length is the primary consideration. In the said case the Hon'ble Apex Court condoned the 425 days delay stating that if a sufficient cause is demonstrated, delay should be condoned irrespective of duration.

7. In the present case, the explanation offered is that time was required for meeting counsel, collection of requisite documents and also due to his illness and age factor. The medical certificate filed vide Exh.15 shows that on 12-01-2026, the applicant was suffering from fever. Thus the medical evidence corroborates the contention of applicant that he was sick before institution of this application. Further the delay of 15 days is of meagre period. Thus, the cause shown cannot be dismissed as mere negligence or lack of bonafides. In the peculiar fact and circumstances a hyper technical view should not be adopted. The right to appeal is a substantial right and the applicant must be given an opportunity to agitate his case on merit.

9. Consequently, the application is allowed. The delay in filing the accompanying appeal is hereby condoned subject to cost of Rs.500/- to be given to the opponents on or before 7<sup>th</sup> May 2026. In result, I am inclined to pass the following order.

### **ORDER**

(1) Application is allowed.

- (2) The delay caused in preferring the appeal against the order below Exh.5 passed by learned 14<sup>th</sup> Jt. Civil Judge Senior Division, Kolhapur in Regular Civil Suit No.36/2025 on 25-11-2025, is condoned subject to cost of Rs.500/- to be paid on before 7<sup>th</sup> May 2026 failing which, the application will be treated as rejected.
- (3) On payment of cost, the accompanying appeal be registered.

Date : 17.04.2026  
Place : Kolhapur.

( **Smt. S. Y. Deshmukh** )  
Ad-hoc District Judge-1, Kolhapur.