

MHLA010027192025



Received on : 21/06/2025
Registered on : 23/06/2025
Decided on : 18/04/2026
Duration : YY MM DD
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IN THE COURT OF ADHOC DISTRICT JUDGE-2, LATUR
(PRESIDED OVER BY P.P.KESTIKAR)

Civil M.A.(Delay) No.112/2025

Exh.No.26

Regional Officer,
Maharashtra State,
M.I.D.C. Regional Office, Latur
Tq. Dist.Latur (Ori. Defendant No.2)

Applicant

VERSUS

1. Pasha Turab Natthad, (Ori. Plaintiff)
Age:-47 Yrs. Occu.: - Agri. & Labour,
R/o.Auti Galli, Ausa, Tq. Ausa, Dist.Latur.
2. District Collector,
District Collector Office, Latur.
3. Deputy Supdt.
Land and Record Office, Ausa.
4. Mujib Mainoddin Natthad,
Age:- 28 Yrs., Occu.: - Agri. & Labour
R/o. Auti Galli, Tq. Ausa, Dist.Latur.

5. Mubin Mainoddin Natthad,
Age:- 26 Yrs. Occu.: - Agri. & Labour,
R/o. Auti Galli, Tq. Ausa, Dist.Latur.
6. Matin Turabali Natthad,
Age:-48 Yrs. Occu.: - Agri. & Labour,
R/o.Auti Galli, Tq. Ausa, Dist.Latur.
7. Salima Hanan Shaikh,
Age:-57 Yrs. Occu.: - Household,
R/o.Auti Galli, Tq. Ausa, Dist.Latur.
8. Shenaj Yunus Shaikh,
Age:-55 Yrs. Occu.: - Household,
R/o.Auti Galli, Tq. Ausa, Dist.Latur.
9. Jakiya Chandpasha Shaikh,
Age:-47 Yrs. Occu.: - Household,
R/o.Auti Galli, Ausa, Tq. Ausa, Dist.Latur.
10. Dinkar Karna Kathare,
Age:- 55 Yrs. Occu.: - Agri.
R/o. Warik Galli, Tq. Ausa, Dist.Latur.
11. Wahid Mussa Kureshi (died)
through Lrs.
- 11/1. Arefa Wahid Kureshi,
Age:- 40 Yrs. Occu.: - Household,
R/o. Khatik Galli, Tq. Ausa, Dist.Latur.
- 11/2. Umren Wahid Kureshi,
Under Guardian mother
Arefa Wahid Kureshi.

Respondents

Learned Advocate Shri.B.G.Kadam for the applicant.

Learned Advocate Shri.M.M.Shaikh, for the respondent No.1.
Learned AGP Shri.V.V.Deshpande, for the respondent Nos.2 & 3.
Learned Advocate Shri.M.M.Shaikh, for the respondent Nos.4 to 9.
Learned Advocate Shri.V.M.Wagdare, for the respondent No.10.
Learned Advocate Shri.N.G.Lohare, for the respondent No.11.

JUDGMENT
(Delivered on 18/04/2026)

This application is filed by the applicant for condonation of 25 days delay to prefer appeal.

2. It is the contention of the applicant that the R.C.S. No.319/2023 was decided on 23/04/2025. The applicant is the original defendant No.2. The original suit was filed at Civil Judge Sr.Dn.,Latur and after establishment of Civil Judge Sr.Dn., AUSA it was transferred to that Court. After the transfer the applicant did not receive the notice and by taking undue advantage of the said fact the plaintiff got the suit decided and obtain judgment in his favour. The applicant got the knowledge of the decision on 12/06/2025 and by obtaining the certified copies the proposal was sent to the office. To perform the official formalities some period was lapsed and therefore, there is delay of 25 days to prefer the appeal. Accordingly, the applicant has prayed to condone the delay and permit him to file the appeal.

3. The opponent No.1 and 4 to 9 have contested the application by filing their say at **Exh.20**. It is contended by the opponent that the applicant was aware about the suit and its

decision but only to prolong the dispute the false reasons are made. The applicant has deliberately filed the appeal by delay and therefore, the opponents have prayed to reject the application.

4. Considering the rival contentions of both the sides, the following points arise for my consideration. These points, my findings, and reasons are given below.

<u>SR.No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1.	Whether the delay is explained ?	Affirmative.
2.	Whether delay is required to be condoned ?	Affirmative.
3.	What order?	As per final order

REASONS

As to Point Nos.1 to 3:-

5. All these points are required common discussion, therefore, they are considered at the same time.

6. The applicant to substantiate its claim has filed supportive affidavit of Mrs. Balaji Yelmate, Area Manager, MIDC, Regional Office, Latur at Exh.7. It is argued by the learned advocate of the applicant that the judgment in R.C.S. No.319/2023 was delivered on 23/04/2025 and thereafter, due to summer vacation the appeal was not filed. He also submitted that the period of summer vacation be excluded from the period of limitation and accordingly there may not be delay. He further submitted that if at all there is delay it was caused due to technical

reason. Hence, he prayed to allow the application.

7. Per contra, the learned advocate of opponent submitted that the delay is deliberate and therefore, it shall not be condoned.

8. Considered the supportive affidavit filed at Exh.7, wherein it is stated that the applicant got the knowledge of decision on 12/06/2025 and thereafter the certified copies was submitted to the office and thereafter to complete the official formalities the delay was caused. Admittedly, the decision in R.C.S. No.319/2023 was given on 23/04/2025 and therefore, the applicant ought to have file the appeal within 30 days i.e. upto 22/05/2025. Undoubtedly, the Civil Courts are closed during the period of summer vacation and as such after opening of the Court the appeal ought to have been filed. If the period of summer vacation is excluded then the appeal ought to have been filed up to 22/06/2025. Here, the present application is filed on 23/06/2025. Hence, after exclusion of period of summer vacation at most there is delay of one or two days. Obviously, the applicant being the legal entity required to complete certain official formalities and which may required the time. Therefore, taking into consideration these aspects, I find that the delay is properly explained by the applicant. So also, if the applicant is permitted to prefer the appeal no prejudice would caused to the opponents. Accordingly, I further find that the delay of 2 days is required to be condoned. Accordingly, I answer Point Nos.1 and 2 in the affirmative and in answer to Point No.3, I proceed to pass following order-

ORDER

1. The application is allowed, subject to costs of Rs.500/-.
2. The delay caused to prefer the appeal is condoned.
3. Office to register the appeal after deposit of the above costs by the applicant.

Date :18/04/2026

(P. P. Kestikar)
Adhoc District Judge-2
Latur.