

MHLA010031052025



Received on : 02.07.2025
Registered on : 04.07.2025
Decided on : 02.07.2026
Duration : YY MM DD
01 00 00

IN THE COURT OF DISTRICT JUDGE-4, LATUR
(PRESIDED OVER BY SAJID A. SYED)

Civil M.A.(Delay) No.120/2025

Exh.No.13

Rahul S/o. Bhausahab Kulkarni,
Age:- 37 Yrs. Occu.: - Agri. & Business.
R/o. Renapur, Tq.Renapur, Dist.Latur.

Applicant

VERSUS

1. The State of Maharashtra,
Through Dist. Collector,
Collector office, Barshi Road,
Latur, Dist.Latur.
2. The Executive Engineer,
Maharashtra Gramin Road Vikas Yojana
“Ganga Niwas” Near Panchwati
Hanuman Chowk, Pach Number Chowk,
Latur, Dist.Latur.

Respondents.

Claim:- For condonation of delay.

Learned Advocate Shri.D.K.Kulkarni for the applicants.
Learned D.G.P Shri S. V. Deshpande for respondent No.1.
Learned Advocate Shri. B.G.Kadam for respondent No.2.

JUDGMENT
(Passed on this 2nd day of July, 2026)

This application is filed for condonation of delay to file regular appeal against the judgment and order passed in R.C.S. No.162/2020 by the learned Civil Judge Sr. Dn.,Latur.

2. The contention of the applicant in short that the appellant was desiring to file appeal against the judgment and order passed in RCS No.162/2020 dated 16.11.2024. There was delay of 167 days to file appeal against the order and judgment passed on 16.11.2024. The present applicant is suffering from chikungunya disease, therefore, he failed to contact his learned counsel, thus, the delay was caused. It is further submitted that mother of applicant also suffering from treatment of Ortho on 15.01.2025 to 25.06.2025. The appellant also suffering from pain due to chikungunya disease, hence, unable to take necessary steps for preferring appeal against the order passed on 16.11.2024.

3. Initially appeal ought to have been filed on or before 15.01.2025 and therefore, delay of 167 days was caused to prefer appeal, hence, this application for condonation of delay.

4. Both respondents have appeared and strongly resisted this application by filing their detailed say. According to them, all contents of delay application are totally false and incorrect. Reason mentioned in the application in respect of chikungunya disease and mother of applicant was suffering from Ortho disease are totally false and not supported by any documents. Therefore, they

have strongly opposed to allow the application and in alternative they have submitted that if application will be allowed then cost of Rs.10,000/- be saddled against appellant.

5. Upon rival pleadings of the parties and submissions advanced by learned counsel, the following points arise for my determination, I have recorded my findings with reasons thereon.

<u>POINTS</u>	<u>FINDINGS</u>
1. Whether the applicants have explained the delay of 167 days?	...Yes.
2. Whether the delay of 167 days required to be condoned?	...Yes.
3. What order?	As per final order

REASONS

As to Point Nos.1 to 3:-

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

7. In view of the contents of the application, the ground for delay is appellant was not in position to contact with his learned counsel and unable to collect copies of judgment and decree within time. It is his further contention that due to chikungunya disease he was suffering from severe pain and therefore, unable to contact with his learned counsel. It is his further contention that his mother being old age lady was also suffering from Ortho disease. In support of oral submission medical certificate of sickness is filed on record of Dr.Girish B. Patrike dated 30.06.2024.

At the outset of medical certificate it clearly testifies that from 29.09.2024 to 05.10.2024 he was suffering from chikungunya disease i.e. viral fever. He also filed treatment record of his mother of Dinanath Mangeshkar Hospital, to show that his mother was suffering from Ortho disease.

8. The appellant was filed RCS No.162/2020 against respondents for declaration and issue of perpetual injunction in respect of land bearing Gat No.1 adm. 3 H. 65 R of village Renapur, Dist.Latur. On 16.11.2024, the learned trial Court has dismissed the suit and therefore, the applicant want to prefer an appeal against its order.

9. As the learned trial Court has dismissed the R.C.S.No.162/2020, therefore, he want to prefer appeal against it and in this situation if that opportunity is not granted then he will suffer irreparable loss. No doubt, that there is delay but upon explanation of delay caused and if certain cost is awarded then the respondents could be compensate. Taking into consideration all these factors, I find that the applicant has explained the delay and requires to be condoned subject to compensating the respondents. Accordingly, I answer Point No.1 & 2 in affirmative and Point No.3 by way of following order.

ORDER

1. The application is allowed subject to cost of Rs.5,000/-.
2. The delay of 167 days to file the appeal is hereby condoned after depositing the cost amount.

3. The respondents are entitled for the above costs in equal proportionate.
4. The Reg. Civil Appeal filed along-with this application be registered upon depositing above costs.

Date : 02.07.2026

(Sajid A.Syed)
District Judge-4
Latur