

CNR: MHLA01004029-2024

**Civil MA No. 195/2024
Nikhil Khadake and another Vs.
Priyanka Khadake and others.**

ORDER BELOW EXH. 1

The applicant has filed this application for condonation of delay of 25 days to file appeal against the order passed by 2nd Joint Civil Judge Senior Division, Latur in Special Civil Suit No. 117/2017 dated 27.08.2024 by decreeing the suit on the grounds that the Advocate of applicant has not communicated the proceeding of original suit to the applicant. The applicant received the Caveat notice alongwith the caveat application dated 19.09.2024 by registered post. Therefore the applicant came to know about the judgment and decree passed against her. Thereafter applicant gave application for certified copies of judgment and decree on 23.09.2024. Copies of judgment and decree were received by the applicant on 26.09.2024. The appeal ought to have been filed by the applicant on 26.09.2024 i.e. within 30 days from the judgment and decree, but she could not manage the amount required for Court fees to be deposited alongwith the appeal memo. Therefore, delay of 25 days has been caused to the applicant to file the appeal. Hence, the applicant prayed to condone the delay of 25 days by allowing her application.

2. Respondent No.1 filed her say objecting the application on the grounds that there is inordinate and deliberate delay. The reason assigned for the delay is frivolous and unacceptable. The reason is not supported by any plausible explanation. The delay of each day is not explained by the applicant. Therefore, respondent No.1 prayed to reject the application.

Respondent No.2 has filed say and did not object the application.

3. Heard learned counsels for both the parties. The record reveals that there is delay of 25 days to file the appeal by applicants. It is necessary to grant an opportunity to the applicants to put up their case before the Court by filing appeal. The reasons assigned in the application by applicant are considerable. There is reasonable delay caused to file appeal which is explained by the applicant. Hence, the delay caused to file the appeal is liable to be condoned. Therefore, I pass following order.

ORDER

- 1) The application is allowed.
- 2) The delay of 25 days caused to file appeal is condoned.
- 3) No order as to costs.
- 4) The appeal be registered accordingly.
- 5) Application is disposed of.

Date :- 18.07.2026.

(P. I. Mokashi)
Ad-hoc District Judge-1, Latur

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER".

(H. R. Shinde)
Stenographer (Grade-1)
NAME OF STENOGRAPHER

Name of the Judge(With Court Room No.) : P. I. Mokashi, Ad-hoc District Judge-1, Latur.

Date for pronouncement of Judgment/Order: 18.07.2026

Judgment/Order signed by P.O. on: 18.07.2026