

: ORDER BELOW EXH.1 IN CIVIL MISC. APPLICATION NO.
17/2025 :
(CNR No. MHRG15-000343-2025)
(Passed on 28.04.2026)

- 1) This is an application for condonation of delay in occurred in presenting Misc. Civil Appeal.
- 2) It is contended that the impugned Order came to be passed on 05.11.2024 and certified copy was applied on 12.11.2024. The copy was received on 18.11.2024. The appeal could not be presented within time as applicant himself is old aged and was sick. Similarly, his elder brother, residing at Mumbai, was suffering from Cancer at preliminary stage. The applicant had to travel to Mumbai and, therefore, the delay occurred. The said brother ultimately passed away fighting against Cancer. The mother of the then Advocate for the applicant was sick and under treatment. She also passed away. It is submitted that the delay is not willful. It is submitted to allow the application.
- 3) The application is opposed by the respondents by filing say on the overleaf of the application itself. It is contended that the reasons mentioned are not proper and justified. Hence, the application may be rejected.
- 4) Heard Ld. Advocate Mr. R. P. Oka for the applicant,

who is present. Perused the record.

5) It is seen that the delay is stated of 04 months 18 days. The reasons mentioned in paragraph no.8 of the application include (i) old age and sickness of the applicant, (ii) severe disease suffering by the brother of the applicant, and (iii) the mother of the then Advocate was also ill.

6) The application has been supported by the affidavit. The reasons mentioned are sufficient to satisfy the Court that the applicant had sufficient cause for not preferring the Appeal within a limitation.

7) For an inconvenience faced by the other side, cost can be imposed on the applicant. Hence, the following order.

: ORDER :

- 1) The application is allowed.
- 2) The delay in presenting the Misc. Civil Appeal against the Order in Regular Civil Suit No.02 of 2022 below Exh.5 dated 05.11.2024, passed by the Civil Judge (Junior Division) Pali, is condoned, subject to costs of Rs.1,000/- (Rs. One thousand only), to be paid to respondents or deposited to the Account of this Court for the respondents, within 01 week from today.

- 3) After payment of the costs, Misc. Civil Appeal be registered, on the usual scrutiny, as per Rules.

Mangaon.
Date: 28.04.2026.

(S. T. Bhalerao)
District Judge 1, Mangaon
Dist. Raigad.