

MHRT010001002026



IN THE COURT OF DISTRICT JUDGE-1, RATNAGIRI
(Presided over by A. M. Ambalkar, District Judge-1, Ratnagiri)

Civil Misc. Application No. 10/2026.

State Bank Of India, Ratnagiri

Applicant

Versus

1) Madhav Subhash Potkar & anr.

Respondents

Order Below Exh. 01

(Dictated and delivered in open Court on 13.08.2026)

1. This is an application under Section 5 of the Limitation Act filed by applicant/original plaintiff for condonation of delay in preferring appeal against the judgment and decree dated 26.11.2025 passed by Learned Civil Judge, Senior Division, Ratnagiri, Tal. & Dist. Ratnagiri in Special Civil Suit No.67/2024.

2. It is the case of applicant/original plaintiff that it has preferred the appeal challenging the judgment and decree dated 26.11.2025 whereby the suit of plaintiff for recovery of money came to be dismissed by the Trial Court. However there is delay of 35 days. The applicant has filed the application for certified copy of order on 01.12.2025 and he received certified copy on 16.12.2025. The applicant was required to file the appeal on

25.12.2025. Applicant has to take permission for expenses of stamp duty and for preferring appeal from superior authority. Applicant is the nationalized bank and it has to follow all the procedure, therefore he could not prefer the appeal within the prescribed period. According to the applicant, the delay is not willful, deliberate and intentional and the same is caused due to aforesaid reasons. On these grounds, he prayed that the delay be condoned.

3. Respondents /original defendants no.1 to 3 appeared and filed say below Exh.14 and resisted the application and submitted that the applicant has not put forth satisfactory reasons of delay in the application. Finally, prayed to reject the application.

4. The applicant/original plaintiff filed affidavit at Exh.2 in support of his contentions and also filed his evidence close purshis at Exh.18. Respondents have filed their evidence close purshis at Exh.19.

5. Perused the application. Heard Learned Advocate Smt. Agashe for the applicant and Ld. Advocate Shri. A. N. Shetye for respondents.

6. On perusal of the record, it appears that the impugned judgment and decree came to be passed on 26.11.2025. The applicant has filed the appeal on 17.02.2026.

7. It is submitted by Ld. Advocate Shri. A. N. Shetye for the respondents/original defendants that if Court intends to allow the application, then heavy cost be imposed.

8. Considering the reasons given by the applicant, it appears that delay is not inordinate and it is of only 35 days. Further the circumstances show that delay is not intentional or deliberate. An opportunity should be given to the applicant. Therefore, I am of the opinion that the delay in preferring the appeal deserves to be condoned. Hence, I proceed to pass the following order.

ORDER

1. Application Exh. 1 is allowed.
2. The office is directed to register the appeal.

Date :- 13.08.2026

(A. M. Ambalkar)
District Judge-1, Ratnagiri.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Civil Misc.Appln. No.10/2026
Name of Stenographer	:-	Shri. Rajesh G. Rahate
Name of Court	:-	District Court-1 Ratnagiri
Date of Dictation on computer	:-	13.08.2026
Order signed by the P.O. on	:-	13.08.2026
Order uploaded on	:-	13.08.2026