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IN THE COURT OF PRINCIPAL DISTRICT JUDGE, SOLAPUR

Civil Misc. Appln. No. 69/2026

CNR : MHSO01-000644-2026

Javid Ahmad Jalaloddin Shikalkar ... **Applicant**

V/s.

Aadil Library Trust etc.

... **Opponents**

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ORDER BELOW EXH. 1

(Dated 15th April, 2026)

1. Read the application. Heard.
2. By this application, the applicant is seeking condonation of delay of 45 days caused in preferring the appeal against the Judgment and Decree dated 09/12/2025 passed in Reg. Civil Suit No.163/2017 by the 3rd Jt. Civil Judge, Sr.Dn., Solapur.
3. The applicant claims that, the opponent No.1 Trust has filed Reg. Civil Suit No.163/2017 against him and opponent No.2 seeking the relief of recovery of possession, which came to be decreed on 09/12/2025. When the said suit was fixed for filing written statement, the applicant was suffering from health problems and was advised bed rest by his medical practitioner. Thereafter, his wife and daughter also suffered from health issues. Thus, the applicant was engaged in his and his family members medical treatment. Therefore, the suit processed without his written statement and he had no knowledge of the impugned Judgment and Decree. On 03/02/2026, when the office bearer of the opponent No.1 Trust had been to him and asked him to vacate

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the suit property, he got knowledge of the impugned Judgment and Decree. Immediately thereafter, he approached the Advocate for filing the appeal. As such, there is delay of 45 days in filing the appeal, which is not intentional. Hence, it is prayed that, the application be allowed and delay be condoned.

4. The opponent No.1 Trust filed Say over leaf the application and raised objection on the ground that, the applicant remained absent in the suit despite ample opportunities and was negligent to proceed with the case. The delay is not properly explained. Hence, application be rejected.

5. Application is supported with the affidavit of the applicant. The applicant has also produced on record medical papers regarding his disease and treatment taken by him along with list Exh.4. There is nothing to disbelieve the reason assigned by the applicant for condoning the delay. The suit is in respect of immovable property. There should not be hyper technical and pedantic approach while dealing with such type of applications. No prejudice would be caused to the opponents, if the appeal is heard on merit. Hence, following order is passed.

: ORDER :

- 1 Application is allowed subject to payment of costs of Rs.1000/- (Rupees One Thousand only) to be deposited by the applicant in the office of the District Legal Services Authority, Solapur, within two weeks from today.
- 2 On payment of costs as ordered above, the delay caused in preferring appeal against the Judgment and Decree

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dated 09/12/2025 passed in Reg. Civil Suit No.163/2017 by the 3rd Jt. Civil Judge, Sr.Dn., Solapur is hereby condoned.

- 3 After compliance of order, the office to register the appeal in accordance with law.

Date : 15/04/2026

(Manoj S. Sharma)
Principal District Judge,
Solapur

CERTIFICATE

I affirm that the contents of this PDF file Order are same word to word, as per the original Order.

Name of Stenographer	: Sou.Javalgekar M.C.
Court	: Principal District & Sessions Judge, Solapur
Date	: 15/04/26
Order signed by the Presiding Officer on	: 15/04/26
Judgment uploaded on	: 15/04/26