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IN THE COURT OF PRINCIPAL DISTRICT JUDGE, SOLAPUR

Civil Misc. Appln. No. 324/2025

CNR : MHSO01-003741-2025

Ramadevi Readymade
Through its Proprietor ... **Applicant**

V/s.

Swami Samarth Creation
Through its Proprietor ... **Non applicant**

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ORDER BELOW EXH. 1

(Dated 30th April, 2026)

1. Heard learned Advocate for the applicant and non applicant. Perused the application and say filed thereon.
2. This is an application for condonation of delay so caused in filing an appeal. The applicant is the original defendant and the non applicant is the original plaintiff in the Judgment and Decree dated 19/11/2012 so passed in Spl. Civil Suit No.256/2009 by the 2nd Jt. Civil Judge, Sr.Dn., Solapur.
3. It is claimed that, the applicant was misled and misguided by its former advocate, who repeatedly informed him that, the suit would be dismissed, no adverse orders would be passed and there is no need to attend the matter. The applicant believed on the words of the advocate and the assurance given by

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the advocate prevented him from taking timely steps. The applicant came to know about passing of the decree only when execution proceeding was initiated. It is submitted that, if delay is not condoned, serious injustice will be caused and the applicant will be deprived of important statutory right of appeal. Hence, prayed for condoning the delay.

4. The non applicant has strongly opposed the application by filing say below Exh.12 and claimed that, the application itself is not maintainable. Further more, applicant did not mention the specific period of the delay so caused nor any satisfactory explanation regarding the same is tendered. It is also claimed that, the suit was for recovery of money and the applicant is only interested in prolonging the matter. Also, he has approached the Hon'ble High Court raising objection to the execution proceeding, but, the Hon'ble High Court has been pleased to reject the objection and prayed to reject the application.

5. Apparently, the application itself reveals that, the applicant did not mention the period of delay so caused in filing the application and application is filed only on the sole ground that, the applicant was misled and misguided by his advocate appointed before the learned trial Court and due to assurance given by his advocate, he did not take timely steps. Said contention of the applicant can not be considered. If at all, this applicant is

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aggrieved with his advocate who appeared for him before the learned trial Court, then this applicant was expected to take appropriate steps against his advocate. But, nothing is there on record to show that, any steps have been taken by this applicant. In absence of any such steps, it appears that, this applicant wants to escape from the responsibility merely by making allegations against the advocate who appeared for him before the learned trial Court.

6. Further, the copy of the order dated 20/01/2025 in Writ Petition No.2096 of 202365 clearly show that, this applicant has approached the Hon'ble High Court against the application filed by him under Section 47 of the Civil Procedure Code before the Execution Court and the Hon'ble High Court has been pleased to reject said application, which clearly show that, this applicant contested the execution proceeding and only few days before passing order by the Hon'ble High Court, he has filed present application. From the order of the Hon'ble Bombay High Court, it is clear that, before approaching this Court by filing present application for condonation of delay, this applicant has already raised objection under Section 47 of the Civil Procedure Code before the learned trial Court and contested the same, which clearly show that, he was aware of the passing of Judgment and Decree passed against him. But, instead of approaching this Court at the earliest, he preferred to kill the time before the executing Court and then filed present application.

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7. All the aspects referred above, do not show any bonafides on the part of the applicant. On the contrary, facts and circumstances clearly show that, the applicant, though having knowledge of passing of the Judgment and Decree against him, did not approach this Court for getting the delay condoned. Though the applicant was aware about the passing of the impugned Judgment and Decree, merely by making allegations against his advocate before the trial Court, has filed present application. Thus, the applicant has filed application without specifying the period of delay and also failed to explain sufficient cause for condoning the delay. There is no merit in the application and it deserves to be rejected. Hence, following order is passed.

: ORDER :

1 Civil Misc. Appln. No.324/2025 is rejected.

Date : 30/04/2026

(**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	: 30/04/26
Order signed by the Presiding Officer on	: 30/04/26
Order uploaded on	: 30/04/26

