

MHSO050009142025



**ORDER BELOW EXH.1 IN CIVIL MISC.
APPLICATION No.68/2025
(Suresh Shivaji Mudgul Vs Saraswati Gorakh Mohite
etc 23)**

1 Present application is filed by applicant to condone delay to file an appeal.

2 The learned advocate for the applicant submitted that, the applicant is the owner of land gat No. 2380, situated at Mangalwedha Tal. Mangalwedha Dist. Solapur. Accordingly, his name was entered in the revenue record alongwith other legal heirs of Anna Gurappa Mudgul. The respondent was taken objection to the revenue entry taken in favour of this applicant and other legal heirs. Meanwhile they filed one Civil Misc. Application No .17 / 2023 to issue legal heir certificate in their favour. This applicant came to know about the legal heir certificate, when it was filed in R.T.S. Appeal filed before learned Sub Divisional Officer. Meanwhile this applicant lost her father in law in motor accident. Also paternal aunt of the applicant was sick during said period. Therefore, she could not prefer an appeal against the order passed in Civ. Misc. Appln. No. 17/2023. The applicant and other legal heirs were not made party to the said proceeding though the respondents were knowing that name of this applicant and other legal heirs entered in revenue record. Therefore, the delay is unintentional, hence, it be condoned.

3 Learned advocate for respondent submitted that the applicant contested R.T.S. appeal before learned Sub Divisional Officer. It shows that,

he did not cause any kind of trauma due to death of father in law or paternal aunt. He was knowing very well about the proceeding pending before learned C.J.J.D, Mangalwedha regarding legal heirship certificate. It shows that the delay is intentional, hence, the application may be dismissed.

4 On perusal of record, it finds that, the mutation entry taken in favour of applicant was passed on 20.08.2023 and it was confirmed on 12.9.2023. Thereafter, the respondents had taken objection to said mutation entry. It means they are knowing that this applicant and some other persons are claiming ownership over the land gat No. 2380. Whether they are real owner or the respondent are owner, it would be decided on merit. At this stage, the respondent did not make the applicant and other legal heir as respondent in Civ Misc. Application. Merely paper publication was issued is not ground to come to the conclusion that the applicant and other legal heirs came to know about filing of CMA No. 17 / 2023. The applicant is contesting before revenue authority regarding ownership. It shows that they are alert about the said matter. Hence, it cannot be said that the delay is caused is intentional. Hence, the delay is sufficiently explained. Hence, it is entitle to condone. Hence, the order :-

ORDER

- 1 Civ. Misc. Application No.68/2025 is allowed and delay to file appeal is hereby condoned.
- 2 Office is directed to register the appeal.

Date :10.04.2026

(O. R. Deshmukh)
District Judge-2, Pandharpur

CERTIFICATE

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

- a) Name of the Stenographer : Rajkumar Sambhaji Sanmukhrao
- b) Court : District Judge-2, Pandharpur
- c) Date of Order : 10.04.2026
- d) Order signed by the Presiding Officer on : 10.04.2026
- e) Order uploaded on : 10.04.2026