

**Order below Exh. 1 in Civil Misc. Application no. 156/2025**  
(Bayanabai Mhaske through L.R. Vs. The State of others)  
(CNR No. MHST0100027522025)

1. This is an application for condonation of delay to file Regular Civil Appeal against judgment and decree dated 17/09/2025 in Regular Civil Suit no. 08/2015 by the learned 4<sup>th</sup> Joint Civil Judge Senior Division, Satara.

2. In view of Article 116 (b) of the Limitation Act, 1963, the appeal was required to be filed within 30 days from the date of impugned decree. Accordingly, the appeal was required to be filed within 30 days after receiving certified copies of judgment and decree. It is contention of the applicant that decree was passed on 17/09/2025 and he filed an application to get certified copies on 18/09/2025. The certified copies were received on 30/09/2025. As the copies were ready on 22/09/2025, excluding said period, appeal was required to be filed within 22/10/2025. As there were Diwali holidays from 19/10/2025 to 26/10/2025, the applicant had to present the appeal on 27/10/2025. However, due to unavoidable circumstances and misunderstandings, as it is presented on 29/10/2025, there is delay of 2 days only. Hence, this delay condonation application.

3. Respondents have filed say at Exh. 14 and denied the contentions and raised in the application. It is submitted by the respondents that no sufficient reason is placed on record for two days delay. Without giving plausible explanation, this delay condonation application has been filed. Accordingly, the respondents have prayed

to reject this application.

4. Heard both sides.

5. As per settled legal position, an appeal has to be filed within the stipulated period, prescribed under the law. Belated appeals can only be condoned, when sufficient reason is shown before the court for the delay. The appellant who seeks condonation of delay therefore must explain the delay of each day. It is true that the courts should not be pedantic in their approach while condoning the delay, and explanation of each day's delay should not be taken literally, but the fact remains that there must be a reasonable explanation for the delay.

6. The Hon'ble Supreme Court, while emphasizing the scope of Section 5 of the Limitation Act, in the case of State of Madhya Pradesh Vs. Ramkumar Choudhary ( SPECIAL LEAVE PETITION (C) Diary No. 48636 of 2024 decided on 29/11/2024 (Reportable)) has held that -

The legal position is that where a case has been presented in the Court beyond limitation, the petitioner has to explain the Court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the Court within limitation. In Majji Sannemma v. Reddy Sridevi (2021 SCC Online SC 1260) , it was held by the Hon'ble Supreme Court that even though limitation may harshly affect the rights of a party, it has to be applied with all its rigour when prescribed by statute. A reference was also made to the decision given in Ajay Dabra v. Pyare Ram(2023 SCC Online SC 92) wherein, it was held as follows:

"13. This Court in the case of Basawaraj v. Special Land Acquisition Officer [(2013) 14 SCC 81] while rejecting an application for condonation of delay for lack of sufficient cause has concluded in Paragraph 15 as follows:

"15. The law on the issue can be summarized to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature."

7. Thus, it is crystal clear that the discretion to condone the delay has to be exercised judiciously based on facts and circumstances of each case and that the expression 'sufficient cause' cannot be liberally interpreted, if negligence, inaction or lack of bonafides is attributed to the party.

8. Further, in Union of India v. Jahangir Byramji Jeejeebhoy (D) through his legal heir (2024 SCC OnLine SC 489) after referring to various decisions on the issue, it was in unequivocal terms observed by the Hon'ble Supreme Court that delay should not be

excused as a matter of generosity and rendering substantial justice is not to cause prejudice to the opposite party.

9. It is further observed in paragraph no. 7 of Madhya Pradesh Vs. Ramkumar Choudhary (supra) that

7. There is one another aspect of the matter which we must not ignore or overlook. Over a period of time, we have noticed that whenever there is a plea for condonation of delay be it at the instance of a private litigant or State the delay is sought to be explained right from the time, the limitation starts and if there is a delay of say 2 years or 3 years or 4 years till the end of the same. For example if the period of limitation is 90 days then the party seeking condonation has to explain why it was unable to institute the proceedings within that period of limitation. What events occurred after the 91<sup>st</sup> day till the last is of no consequence. The court is required to consider what came in the way of the party that it was unable to file it between the 1<sup>st</sup> day and the 90<sup>th</sup> day. It is true that a party is entitled to wait until the last day of limitation for filing an appeal. But when it allows the limitation to expire and pleads sufficient cause for not filing the appeal earlier, the sufficient cause must establish that because of some event or circumstance arising before the limitation expired it was not possible to file the appeal within time. No event or circumstance arising after the expiry of limitation can constitute such sufficient cause. There may be events or circumstances subsequent to the expiry of limitation which may further delay the filing of the appeal. But that the limitation has been allowed to expire without the appeal being filed must be traced to a cause arising within the period of limitation.

10. In view of this settled legal position, I proceed to discuss the merits of this application. It is undisputed that after filing an application for certified copies by the applicants, those were ready on 22/09/2025. Even thereafter, the applicant

collected on 30/09/2025, in time. Considering the reason of misunderstandings of the applicant and the nature of litigation, this Court finds it judicious to grant an opportunity to the applicants to avail their right to appeal in the interest of justice subject to payment of costs. Hence, I proceed to pass following order.

**ORDER**

Application is allowed and delay of 02 days to file Regular Civil Appeal challenging the judgment and decree dated 17/09/2025 passed in Regular Civil Suit no. 08/2015 by the learned 4<sup>th</sup> Joint Civil Judge Senior Division, Satara is condoned subject to costs of Rs. 200/- payable to the District Legal Services Authority, Satara on or before 15 days from date of this order. In default, this application will be considered as dismissed.

Date : 06/03/2026

(J. S. Bhatia)  
Ad-hoc District Judge-1  
Satara