

MHST010009692024



IN THE COURT OF DISTRICT JUDGE - 4, SATARA. AT : SATARA
Civil Misc. Application No.79 of 2024

Suhas Laxman Rajguru ..Applicant

V/s.

Lata Ankush Deore and Ors. ..Respondents.

Mr. S. P Rajguru, Advocate for the applicant.

Shri. S. R. Jambhale, Advocate for the respondent No.1

Shri. M. N. Kulkarni, Advocate for the respondent Nos.2 to 4.

Coram: Mr. S. R. Tamboli,
District Judge-2, Satara.

:: ORDER BELOW EXH.1::

1. In the instant application, the applicant has prayed for condonation of the delay that occurred in filing the appeal against the judgment and order dated 04/03/2024, passed below Exh. 1 in Regular Civil Suit No. 376 of 2023 by the Court of the 6th Joint Civil Judge, Senior Division, Satara.

2. In brief, the case of the applicant is that he had filed

Regular Civil Suit No. 376 of 2023 against the respondents. Respondent No. 1 filed an application at Exh. 23 for rejection of the plaint. By order dated 04/03/2024, the learned Trial Court allowed the said application and rejected the plaint. A delay of one day occurred in filing the appeal. Hence, the applicant has prayed for condonation of the delay.

3. Respondent No. 1 contested the application, *inter alia*, contending that the applicant was well aware of the relevant dates. According to the respondent, there was a delay of 30 days. Hence, he prayed for dismissal of the application.

4. In view of the rival pleadings of the parties, the following points arise for determination. My findings thereon, along with the reasons, are as under:

<i>Sr.No.</i>	<i>POINTS</i>	<i>FINDINGS</i>
1.	Whether the applicant has made a sufficient cause for condonation of delay ?	In the affirmative.
2.	Whether the applicant is entitled to institute the appeal ?	In the affirmative.
3.	What order ?	As per final order.

REASONS

Point Nos. 1 and 2:

5. The applicant examined himself. He reiterated the

contents of the application. His evidence shows that the delay was not deliberate.

6. The record of the case shows that the Trial Court passed the order below Exh. 1 on 04/03/2024. The applicant applied for a certified copy on 06/03/2024. He complied with the office objections on 15/04/2024, and the certified copy was prepared on 29/04/2024. It appears that from 06/03/2024 to 15/04/2024, the applicant did not take steps to comply with the office objections for obtaining the certified copy. Thus, the applicant remained inactive for about one month and nine days, resulting in the delay.

7. However, the delay is not substantial, and it does not appear to have been deliberate.

8. The learned counsel for the respondents prayed for imposition of costs. Therefore, I hold that the applicant has made out sufficient cause for condonation of the delay. Consequently, the applicant is entitled to institute the appeal. Hence, I answer Point Nos. 1 and 2 in the affirmative and proceed to pass the following order:

ORDER

1. The application is allowed.
2. The delay caused in filing the appeal against the order below Exh. 1 dated 04/03/2024, passed in Regular Civil Suit No.

376 of 2023 by the Court of the 6th Joint Civil Judge, Senior Division, Satara, is hereby condoned, subject to payment of costs of Rs.200/- (Rupees Two Hundred only) to the respondents.

3. The applicant is permitted to institute the appeal.

Place : Satara

(S.R. Tamboli)

Date : 05.08.2026.

District Judge-2, Satara.