

ORDER BELOW EXH.37 IN MCA No. 4 of 2026

(Vishal Jadhav Vs. Ramesh Raut)

(Passed on 13.04.2026)

The respondent has filed this application under section 5 of the Limitation Act for condonation of delay caused to prefer cross-objection by contending that, the notice of this appeal served upon the respondent on 31.01.2026. The respondent No.1 is aged person and by oversight he failed to take cross-objection within statutory period.

2. The appellant filed reply by contending that the reason given for delay is not sufficient. On 06.02.2026, 07.03.2026 and 13.03.2026, the respondent was present in the Court. So, the reason is not sufficient. Hence, urged to reject the application.

3. Heard learned advocates appearing for both sides. The learned advocate for respondent No.1 relied upon the Judgment of the Hon'ble Bombay High Court in the case of **State of Maharashtra Vs. Kalu Ladku Mhatre, reported in 2011(6) AllMR 242** and submitted that, for cross objection under Rule 22(1) of Order 41 stringent requirement of establishing a sufficient cause is not required. The Court can extend time to file cross-objection.

4. Per contra, learned advocate for appellant submitted that, it is filed at belated stage. So, urged the rejection of the application. On the date fixed for appearance and hearing, the respondent was present and thereafter this application has been

moved.

5. This Court carefully gone through the submission of both sides. There is no dispute between parties that, the notice of this appeal was served upon respondent on 31.01.2026. As per the provision of Rule 21 of Order 41 of the Code of Civil Procedure, the respondent has to take cross-objection within a period of one month. The said period of one month is completed on 2nd March 2026. This application has been filed on 2nd April 2026 and there is delay of 01 month. The respondent has given the reason that due to old age, he could not take cross-objection within stipulated period. So far this ground is concern, on perusal of Exh.1, it appears that the age of respondent No.1 is mentioned as 72 years. This shows about the substance of the reason given by the respondent No.1. There is short delay to file cross-objection. For disposal of appeal on merits, it is necessary to give an opportunity to both parties to raise the grounds which are available to them. In such circumstances, this Court pass the following order :-

ORDER

Application is hereby allowed subject to costs of Rs.1,000/- (One Thousand Only) payable to the appellant.

(Dictated and pronounced in open Court.)

Wai
Date-13.04.2026

(D. B. Mane)
District Judge-1, Wai.