

MHGA010000702025



Presented on : 23-01-2025
Registered on : 24-01-2025
Decided on : 04-08-2026
Duration : 1Y 06 M 10D

IN THE COURT OF DISTRICT JUDGE-1, GADCHIROLI
(Presided over by Pravin V. Chatur)

Misc. Civil Application No. 02/2025

1. Minakshi Mangal Deogade(Dead)

2. Siddhant Mangal Deogade

Age: 31 yrs, Occupation : Education

3. Suraj Mangal Deogade

Age: 28 yrs, Occupation : Education

All R/o Ashti Tah- Chamorshi

Dist Gadchiroli

.... Applicants

-VERSUS-

1. Pratibha Mangal Deogade

Age: 58 yrs, Occupation : Household

2. Swapnil Mangal Deogade

Age: 35 Yrs, Occupation : Labour

3. Smita Mangal Deogade

Age: 34 yrs, Occupation : Nil

4. Snehal Mangal Deogade

Age: 26 yrs, Occupation : Labour

All R/o Visapur Tah. Ballarshah

Dist. Chandrapur.

... Non-applicants

ORDER Below Exh. 01
(Passed on 04.08.2026)

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1] The applicants seek pray for condonation of delay of 06 years, 02 months, and 28 days in filing the appeal against the judgment and order dated 25/10/2018 passed by the Civil Judge, Junior Level, Chamorshi in Regular Civil Suit No. 34/2015 (Pratibha Mangal Devgade & Ors. vs. Meenakshi Mangal Devgade & Ors.).

2] The statutory period for filing the appeal expired on 24/11/2018. Their father, Mangal Haribhau Devgade, died on 05/11/2013, and their mother passed away on 04/05/2016. Due to these successive deaths, applicants No. 2 and 3 became homeless and financially distressed while pursuing their education.

3] The applicants further submit that they were burdened with debts incurred for medical treatment of their parents, and could not afford lawyer's fees or court expenses.

4] They relied on legal advice which misdirected them to pursue appeal in Succession Case No. 27/2013, instead of filing appeal against Civil Suit No. 34/2015. Consequently, they exhausted their resources in Regular Civil Appeal No. 24/2019, which was dismissed on 23/01/2023.

5] Thereafter, they approached the District Legal Services Authority, Gadchiroli in October 2023 for free legal aid. Initially, Advocate Siddiqui Mansuri was appointed but did not take up the matter. Subsequently, Advocate Rahul Gawde was appointed, who advised filing the present appeal.

6] Owing to these circumstances, the appeal against the judgment dated 25/10/2018 has been delayed by 06 years, 02

months, and 28 days. The applicants contend that the delay is bona fide, justified, and if not condoned, their substantive rights will be irreparably prejudiced.

Reply of Non-Applicants Nos. 1 to 4:

7] The non-applicants opposed the application, contending that applicant No. 1 was never the legally wedded wife of late Mangal Haribhau Devgade, whose marriage with non-applicant No. 1 was solemnized on 30/05/1986 as per Buddhist rites. From this marriage, three children were born: Smita, Swapnil, and Snehal.

8] The non-applicants submit that disputes arose, leading to maintenance proceedings in Cri. Misc. Application No. 118/1991, wherein maintenance was awarded. Subsequent proceedings for enhancement and recovery of arrears were also filed.

9] After Mangal Haribhau Devgade's death on 05/11/2013, the non-applicants applied for inheritance certificates in M.J.C. No. 269/2013 before Chandrapur Court. The applicants objected and obtained a certificate in M.J.C. No. 14/2013 from Chamorshi Court by suppressing facts.

10] The non-applicants assert that the applicants misused the said certificate to claim accident compensation and LIC benefits, withdrawing ₹10,00,000/- and attempting to claim further amounts.

11] In Regular Civil Suit No. 34/2015, the Chamorshi Court, by judgment dated 25/10/2018, cancelled the inheritance certificate obtained by the applicants and declared that they were not entitled to benefits thereunder.

12] Similarly, in Succession Case No. 27/2013, the Court held

that non-applicants Nos. 1 to 4 are the first-class legal heirs of the deceased and directed payment of remaining LIC proceeds to them.

13] The non-applicants contend that the applicants have concealed material facts, misled the Court, and filed the present application only to harass them. They argue that the applicants have not explained the delay with cogent evidence, and therefore the application is liable to be dismissed with costs.

14] Heard learned advocates for both sides and perused the entire record. Following points arise for my determination, to which I recorded my findings, thereunder:

Sr. No.	Points	Findings
1)	Whether the applicants prove sufficient cause in filing appeal?	No.
2)	What order?	Application is dismissed.

FINDINGS & REASONING:

15] The applicants rely on financial hardship, misdirection by counsel, and pursuit of legal aid as grounds for condonation. The non-applicants rely on fraud, suppression of facts, and prior adjudications to oppose condonation.

16] Under Section 5 of the Limitation Act, a delay can be condoned only if the party satisfies the Court that there was "sufficient cause" for not filing the appeal within time. While a liberal approach is generally adopted to advance substantial justice, the law of limitation cannot be rendered nugatory where there is gross negligence, inaction, or suppression of material facts.

17] Upon perusal of the record, the following facts emerged:

1. The judgment in R.C.S. No. 34/2015 was delivered on 25/10/2018.
2. During the period of delay, the Applicants actively pursued other proceedings, including Regular Civil Appeal No. 24/2019 before the District Court, Gadchiroli (dismissed on 23/01/2023), as well as claims before the MACT, Gadchiroli.
3. The record indicates that the Applicants were represented by private counsel across various legal forums during the period in question.

18] The cause assigned—such as financial hardship and lack of awareness—is contradicted by their active involvement in parallel litigations and the undisputed receipt of funds from insurance proceeds.

19] The Applicants have failed to offer a satisfactory or day-to-day explanation for the prolonged delay of over 5 years. The explanation provided is vague, uncorroborated by independent evidence, and insufficient in law to override the accrued statutory rights of the Non-Applicants.

ORDER

I. The Application for Condonation of Delay Misc. Civil Application No. 02/2025 is hereby dismissed.

II. Consequently, the proposed Regular Civil Appeal stands rejected as barred by limitation.

III. No order as to costs.

Date : 04.08.2026

(**Pravin V. Chatur**)
District Judge-2 &
Additional Sessions Judge,
Gadchiroli

Dictated & typed, checked and signed on 04.08.2026.