



Received on : 26.09.2022
Registered on : 04.10.2022
Decided on : 02.08.2025
Duration : Y. Ms. Ds.
02 10 06

IN THE COURT OF DISTRICT JUDGE, SATARA. AT : SATARA
(Presided over by S.R. Tamboli, District Judge-2, Satara)

CIVIL MISC. APPLICATION (DELAY) NO.193 OF 2022

(CNR : MHST01-002865-2022)

Exh.27

- | | | |
|----|---|---|
| 1) | Shri. Arjun Baban Shinde.
Age 50 yrs. Occupation : Agriculture. | } ...APPLICANTS
(Ori. Plaintiffs) |
| 2) | Shri. Sampat Baban Shinde.
Age 47 yrs. Occ.: Agri. & Service.
Both are r/o. Limb, Tal. & Dist. Satara.
Applicant No.1 is the P.O.A. for
himself and for applicant No.2. | |

Versus

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|-----|--|--|
| 1) | Dharmu Tukaram Shinde. (Deceased)
Through : His legal heirs; | } ...OPPONENTS
(Ori. Defendants) |
| 1A) | Sou. Chhaya Shahaji Pharande.
Age 54 years : Occ. : Household.
R/o. Songirwadi, Tal. Wai, Dist.Satara. | |
| 2) | Shri. Pravin Dadasaheb Sawant.
Age 40 years : Occ. : Agriculture.
R/o. Limb, Tal. & Dist. Satara. | |
| 3) | Shri. Pandurang Ramchandra Sawant.
Age 50 years : Occ. : Agriculture.
R/o. Limb, Tal. & Dist. Satara. | |

APPEARANCE :

Mr.S.P. Ingawale, Adv. for the applicants.

Mr.V.K. Jamdade , Adv. for the opponents.

JUDGMENT

(Delivered on 02nd August, 2025)

01. In the instant application, applicants prayed for condonation of delay occurred in filing the appeal against the order dtd.21.06.2022 passed below Exh.59 in Spl.C.S.No.112/2016 by the Court of 04th Jt.Civil Judge Sr.Dn. Satara.

02. In short, the facts necessary for deciding the present application are that applicants/plaintiffs filed Spl.C.S.No.112/2016 against opponents/defendants. Defendant No.1A filed application of temporary injunction (Exh.59). Said application is allowed on 21.06.2022. Advocate of the applicant was suffering from the eye disease and due to that, he failed to prepare the appeal within time. Subsequently, he told to engage another Advocate. Therefore, two months and 7 days delay occurred in filing the appeal. Hence, the applicants prayed to condone the delay occurred in filing of the appeal.

03. On the other hand, application is objected by the opponents on the ground that the reasons given in the application are false. It was necessary for applicants to file appeal within time. No sufficient reason assigned by the applicants for condonation of delay. Hence, he prayed to dismiss the application.

04. I heard Mr.S.P. Ingawale, the learned Counsel for the applicants and Mr.V.K. Jamdade, the learned Counsel for the opponents. In view of the pleadings of the parties, following points arise for my determination. My findings and reasons thereon are as under.

Sr.No.	POINTS	FINDINGS
1.	Whether applicants have made out sufficient cause for condonation of delay ?	In the affirmative.
2.	Whether applicants are entitled to institute the appeal ?	In the affirmative.
3.	What order ?	As per final order.

: REASONS :

Point Nos.1 & 2 :-

05. Mr.V.K. Jamdade, the learned Counsel for the opponents submitted that the cost of Rs.500/- be imposed on the applicants for condonation of delay.

06. Per contra, the learned Counsel for the applicants prayed to impose the minimum cost.

07. At the time of oral argument, application is objected by the learned Counsel for the opponent on the ground of cost only. Therefore, I have accepted the reasons given by the applicants for condonation of delay. Applicants have made out sufficient cause for condonation of delay. Appeal is the statutory right of the applicants. I think it proper to allow the application. So, I answer point Nos.1 & 2 in the affirmative. In the result, I pass the following order.

ORDER

- 1) Application is allowed.

- 2) Applicants are permitted to institute the appeal against the order dtd.21.06.2022 passed below Exh.59 in Spl.C.S.No. 112/2016 by the Court of 04th Jt.Civil Judge Sr.Dn. Satara subject to cost of Rs.200/- (Two Hundred only). It be paid to the opponents.

Place : Satara
Date : 02.08.2025.

(S.R. Tamboli)
District Judge-2, Satara.