



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO. 3417 OF 2017

ASHOK IRRIGATION EQUIPMENT INDIA PVT LTD THROUGH ITS
DIRECTOR A G RANGLANI

VERSUS

JALGAON CITY MUNICIPAL CORPORATION THROUGH ITS
COMMISSIONER

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Mr. Ajay G. Talhar, Advocate for the Petitioner.

Mr. L. V. Sangit, Advocate for Respondent.

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 5th MAY, 2026

P.C.:-

1. Heard learned Advocates for the respective parties.
2. By the present petition, the Petitioner is aggrieved by the order dated 29.06.2016 passed below Exhibit-1 by the learned District Judge-1, Jalgaon in Civil Misc. Application No.217 of 2013, whereby the application for condonation of delay filed by the Petitioner came to be rejected.
3. Mr. Ajay G. Talhar, learned Advocate for the Petitioner submits that the Petitioner is a Company registered under the Companies Act, 1956 and is engaged in manufacturing agricultural equipment as a small-scale industry. The Respondent issued a bill dated 06.09.2003, which was challenged by the Petitioner by filing an appeal under Sections 406 and 407 of the Maharashtra Municipal



Corporations Act, 1949 before the Civil Judge, Senior Division, Jalgaon. The said appeal came to be dismissed. Being aggrieved thereby, the Petitioner initiated further proceedings, including two separate appeals, both of which involved delay. In one matter, i.e., Civil Misc. Application No.218 of 2013, the delay was condoned subject to costs of Rs.5,000/-, whereas in the present matter, i.e., Civil Misc. Application No.217 of 2013, the application for condonation of delay came to be rejected by order dated 29.06.2016.

4. Learned Advocate for the Petitioner submits that both matters arise out of similar circumstances, yet inconsistent orders have been passed by the Appellate Court-one allowing condonation and the other rejecting it.

5. It is further submitted that the present proceedings arise out of Municipal Appeal No.228 of 2004, decided on 05.04.2013. The limitation period expired on 05.05.2013. The certified copy was applied for on 21.06.2013 and received on 25.06.2013. The appeal was eventually filed on 30.10.2013, resulting in a delay of approximately 5 months and 25 days. The delay was explained on the ground that the Petitioner's Advocate had undergone angioplasty at Pune, resulting in lack of communication and knowledge of the order.

6. Per contra, learned Advocate for the Respondent supports the



impugned order and submits that despite sufficient opportunity and knowledge of the order, the Petitioner failed to file the appeal within the prescribed period of limitation. It is contended that the reasons assigned for delay are neither sufficient nor satisfactory.

7. Upon hearing the learned Advocates and perusing the record, it is evident that the Municipal Appeal No.228 of 2004 was decided on 05.04.2013 and the limitation expired on 05.05.2013. The sequence of events indicates that the certified copy was applied for belatedly on 21.06.2013 and the appeal was filed on 31.10.2013.

8. The explanation offered by the Petitioner attributes the delay to the medical condition of the Advocate, who had undergone angioplasty, resulting in lack of communication. Considering the said explanation, coupled with the fact that in a similar matter arising between the same parties, the delay was condoned by the Appellate Court, this Court is of the view that the approach adopted in the present case is unduly technical.

9. It is well settled that matters should ordinarily be decided on merits rather than on technicalities, particularly when the delay is not gross or deliberate. In the present case, the delay stands sufficiently explained.

10. In view of the above, the petition deserves to be allowed.

**ORDER**

- (i) The writ petition is allowed.
- (ii) The order dated 29.06.2016 passed below Exhibit-1 by the learned District Judge-1, Jalgaon in Civil Misc. Application No.217 of 2013 is hereby quashed and set aside.
- (iii) The delay in filing the appeal is condoned.
- (iv) The Municipal Appeal No.228/2004 is restored to the file of the Appellate Court for decision on merits in accordance with law.

(SIDDHESHWAR S. THOMBRE, J.)