

MHOS110000352018



ORDER PASSED BELOW EXH.1 IN CIVIL MA NO.1/2018.

(Taramati Vs. Laxman.)

1. Application is for condonation of delay.
2. Applicant submits that, RCS No.172/2007, was partly decreed on 31/10/2017. Applicant received copies on 21/12/2019 and appeal is preferred on 18/01/2018. According to applicant, there is delay of 5 days, which is unintentional. The delay occurred due to compliance of documents and legal opinion, to file an appeal.
3. Respondent No.1 filed say at Exh.11. It is submitted that, there is no sufficient cause to condone the delay of five days. Alternatively it is submitted that costs of Rs.5000/- be awarded.
4. Respondent No.2, 3, 6 to 8, though served, but failed to appear. The respondent No.5 filed say on the application and opposes the application.
5. Heard the learned Advocate Mr. I.V.Ranjvan, for the applicant and learned Advocate, Mr.V.R.Mote for Respondent No.1.
6. Following points are formulated for determination. The points alongwith findings and reasons thereto are as under.

POINTS**FINDINGS**

1. Whether applicant has made out sufficient cause to condone the delay of 5 days? : In the affirmative.
- 2 What order? : As per final order.

-REASONS-**As to points No.1:**

7. The delay of 5 days to prefer appeal is undisputed fact. The affidavit filed by applicant No.1 Taramati Chandanshiv, speaks about the time consumed in respect of legal opinion, to prefer an appeal.
8. I am of the view that, this is sufficient cause to condone the delay of 5 days, by compensating reasonable costs of Rs.500/- each. Hence, I answer point No.1, in affirmative and pass following order.

ORDER.

1. Application is allowed.
2. Delay of 5 days to prefer appeal against the judgment and decree in RCS No.172/2017 dated 31/10/2017, is hereby condoned, subject to payment of costs Rs.500/-each.
3. Applicant to pay costs of Rs.500/- each to the respondent No.1 and 5.
4. After compliance, appeal be registered.

Date:- 03/03/2021.

(Jairaj D. Wadne)
District Judge-1, Bhoom.