

Order below Exh.1 in
Civil M.A. No.01/2018
[CNR NO.MHTH15000001-2018]

Mehul Naresh Vasani .. Appellant

V/s.

Naresh Amritlal Vasani and Ors. .. Opponents.

This application is filed by appellant for condoning delay of 48 days for filing appeal against the order passed on Exh.7 in Reg. Civil Suit No.25/2014 dated 26.09.2017 passed by Jt. Civil Court, J.D. Dahanu.

2] Heard both sides. Perused application and reply filed by respondent. It is contended by appellant that he has no any malafide intention in not filing the appeal within limitation. Appellant and his wife was sick. The delay was not intentional. Therefore pray for condoning the delay. The application Exh.7 in Reg. Civil Suit No.25/2014 is dismissed. Under such circumstances considering the delay of 48 days, same can be condoned subject to costs. If delay is condoned, no prejudice will cause to opponents. However, if delay is not condoned, appeal will not be considered on merit and prejudice will be caused to appellant. Hence, I pass the following order.

ORDER

- 1] Application is allowed.
- 2] The delay is hereby condoned subject to cost of Rs.1,000/- to be paid to respondents within 15 days from date of this order.
- 3] The appeal be registered accordingly as per law.

Sd/-

Palghar.
Date :- 25.03.2021

(D.H. Keluskar)
District Judge-1, Palghar.