

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (STAMP) NO.12351 OF 2014

Ravasaheb Ganpati Patil,

Age:-70 years, Occu:-Agriculturist,

C/o:-Malangaon, Tal :-Kavathemahankal,

Dist:- Sangli

.. Petitioner

Versus

Shri. Bandu Ramchandra Patil,

Age:-42 years, Occu:-Agriculturist,

C/o:-Malangaon, Tal:-Kavathemahankal,

Dist:-Sangli

.. Respondent

Shri. G. M. Savagave, for the Petitioner.

Ms. Megha Keluskar i/by Shri. Sandesh D. Patil, for the Respondent.

CORAM : R.M. SAVANT, J.

DATE : 12th MARCH, 2015

ORAL JUDGMENT

1. Rule, with the consent of the Learned Counsel for the parties made returnable forthwith and heard.

2. The Writ Jurisdiction of this Court is invoked against the order dated 10.03.2014 passed by the Learned Adhoc District Judge,-1, Sangli, by which order the Misc. Civil Application No.403 of 2012 seeking

condonation of delay of 7 days in filing the Appeal against the order passed on Exh.5 dated 15.10.2012 came to be rejected.

3. The reasons which were mentioned namely that of the illness of the Applicant did not commend acceptance to the Trial Court and the Trial Court accordingly rejected the said application. It is well settled that in matters of condonation of delay a highly technical and pedantic approach should be eschewed and an approach which furthers the the cause of substantial justice should be adopted. Applying the said yardstick the delay of seven days in filing the said Misc. Civil Application is required to be condoned. The impugned order dated 10.03.2014 is accordingly quashed and set aside. Resultantly, the said Misc. Civil Application No.403 of 2012 would stand allowed. The Appeal would therefore have to be heard by the Lower Appellate Court on merits. The Petition is allowed to the aforesaid extent. Rule is accordingly made absolute in the aforesaid terms with parties to bear their respective costs.

[R.M. SAVANT, J]