

Santosh

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

**CIVIL APPLICATION NO. 3425 OF 2019
IN
FIRST APPEAL (ST) NO. 23746 OF 2019**

SANTOSH
SUBHASH
KULKARNI

Digitally signed by
SANTOSH
SUBHASH
KULKARNI
Date: 2021.10.21
14:35:57 +0530

Mr. Balaji Mandir Girnare & ors.

...Applicants/
Appellants

Versus

Ramchandra Devsthan Girnare & ors.

...Respondents

Mr. Sachin Gite, for the Appellants/Applicants.

Mr. Ashutosh Gavnekar, i/b C.G. Gavnekar, for Respondent
nos.1, 2, 6, 8 and 9.

CORAM: N. J. JAMADAR, J.

DATED : 14th OCTOBER, 2021

PC:-

1. This is an application for condonation of delay in preferring appeal against the judgment and order dated 15th April, 2019, passed by the learned Assistant Charity Commissioner, Nashik, in Application No.1048/2015, whereby the prayer of the applicants to grant consent for institution of the suit against the opponents came to be rejected.

2. Heard Mr. Gite, the learned Counsel for the applicants and Mr. Gavnekar, the learned Counsel for respondent nos.1, 2, 6, 8 and 9.

3. At the outset, the learned Counsel for the applicant states that respondent nos.3, 4, 5 and 7 are dead and the applicants

do not press the application against respondent nos.3, 4, 5 and 7.

4. In the application, the principal reason for delay in filing appeal is stated to be the time required to take advise of the Counsel of the applicants and prepare and file the appeal. It does not appear that there is an intentional delay or lack of *bona fide*. Thus, sufficient cause is made out.

5. It is trite that an application for condonation of delay receives liberal consideration so as to advance the cause of substantive justice. In the case at hand, the delay is neither inordinate nor intentional. In this view of the matter, I am persuaded to allow the application.

6. Hence the following order:

: O r d e r :

- (i) The application stands allowed in terms of prayer Clause (a).
- (ii) The delay of 45 days in preferring the appeal stands condoned.
- (iii) The appeal be registered.

[N. J. JAMADAR, J.]