

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

911 CIVIL APPLICATION NO.15750 OF 2015
IN FAST/9891/2015

KANCHAN SANJAY JOSHI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. S. B. Joshi, Mr. S. S. Joshi and
Mr. S.S. Ghate for J. P. Legal Associates
AGP for Respondent-State: Mr. P. N. Kutti

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CORAM : SANDIPKUMAR C. MORE, J.
DATED : 11/08/2022.

P. C. :

1. Heard rival submissions. It appears that there is huge delay of 770 days in filing first appeal against the judgment and decree dated 06/11/2012 passed by learned Civil Judge (S.D.), Jalna. The learned counsel for the applicant submits that he had in fact filed appeal before the Adhoc District Judge-3, Jalna, challenging the aforesaid judgment wrongly and therefore, the time spent in pursuing that remedy, though wrongly, be excluded while condoning the delay.

2. The learned AGP strongly opposed the application.

3. In view of Section 14 of Limitation Act, the present delay though seems inordinate, can be condoned keeping in mind the statutory right of the applicant. As such, delay of 770 days stands condoned and the civil application stands allowed and disposed of.

4. First appeal be placed for admission after removal of office objections, if any.

(SANDIPKUMAR C. MORE, J.)