

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

**CIVIL APPLICATION NO.1356 OF 2019
IN
SECOND APPEAL (ST) NO.6975 OF 2018**

Mr. Suresh Posha Patil ...Applicant
Versus
Mr. Harishchandra Ramchandra @ Ramu Patil ...Respondent

- Mr. N.V. Bandiwadekar i/b. Ashok Pandire, for the Applicant.
- Mr. S.C. Kanojia, for the Respondent.

**CORAM : VINAY JOSHI, J.
DATE : 15th SEPTEMBER 2023**

P.C.:

1. This is an application seeking condonation of delay of 89 days caused in filing the Second Appeal.
2. The Applicant has contended that due to lack of legal knowledge and his inability to contact Advocates from Mumbai, the delay was caused which was unintentional. The other side objected by doubting the reason for delay.
3. It reveals that the impugned judgment was passed by First Appellate Court on 29th July 2017 whilst the applicant applied for Certified Copy on 31st July 2017 which he received on 8th September 2017. After excluding the period of 90 days, the Applicant ought to have filed Second Appeal on 5th December 2017 however, there is delay

of 89 days. There is no dispute about the calculation which is stated above. Time and again, there are various decisions of the Supreme Court which says that while considering the application under section 5, the Court shall adopt liberal and justice oriented approach.

4. Unless application lacks bonafides, generally the reason for delay cannot be doubted. The other side has not pointed out any deliberate or *malafide* attempt. In order to allow the *lis* to get decided on merits, the delay deserves to be condoned. In view of that, sufficient cause is made out.

5. In view of that, application is allowed. Delay stands condoned and application is disposed accordingly.

[VINAY JOSHI, J.]