



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

**WRIT PETITION NO. 6892 OF 2023**

Shreeprasad R. Jamdar & Ors.

..Petitioner

v/s.

Shashikala P. Nadkarni & Ors.

..Respondents

Mr. D.S.Mhaispurkar a/w. Soman Mangaonkar for the Petitioner.  
Mr. A.S.Khandeparkar i/b. Ms. Shilpa Joshi for the Respondent.

**CORAM : ANUJA PRABHUDESSAI, J.  
DATED : 1<sup>st</sup> SEPTEMBER, 2023.**

**P.C.**

1. With consent, heard finally at the stage of admission.
2. The petitioner herein has challenged the order dated 2.5.2023 in Marji Application No. 392 of 2020, passed by the Division Bench of Small Causes Court. By the impugned judgment, the learned Judge, Small Causes Court has dismissed the application for condonation of delay of 148 days in filing the appeal against eviction order.
3. Heard learned Counsel for the Petitioner and learned Counsel for the Respondent. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties.

4. The records reveal that the respondent herein had filed an eviction suit against the petitioner herein on several grounds. The suit was contested by the petitioner. It is stated that subsequently the advocate sought discharge and a new advocate came to be appointed. The said advocate joined judicial service and he was discharged. The petitioner claims that he was unable to appear before the court during the lock down period and was unable to engage an advocate. In the meantime order came to be passed for interim compensation of Rs.30,000/-, which order was challenged before this Court, and later before the Supreme Court, without any success. The petitioner did not comply with the order and defence was struck down on 3.3.2021. Subsequently, the suit proceeded ex-parte and ex-parte decree came to be passed on 18.04.2022.

5. The records reveal that the petitioner had made a statement before this Court that he would deposit an amount of Rs.17,19,000/- within one week towards arrears of interim compensation upto 18.4.2022. Learned counsel for the petitioner states that the petitioner will clear the arrears from May 2022 within six months and that he will continue to pay interim compensation of Rs.30,000/- per month pending the appeal, unless the interim compensation is either enhanced or reduced by the Appellate Court during the pendency of the appeal.

6. It is well settled that the expression of ‘sufficient cause’ should be construed in pragmatic and liberal manner as to advance substantial justice. In the instant case, the delay was not deliberate or with malafide intention. Hence, in my considered view, this is a fit case to condone the delay. Consequently, the petition is allowed. The impugned order is set aside. The appeal is ordered to be registered. It is stated that the respondent – landlords are senior citizens in nineties. Considering this aspect, the learned Judge is requested to expedite hearing of the appeal, and in any event, to dispose of the appeal within one year from the date of this order.

**(ANUJA PRABHUDESSAI, J.)**