

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

SECOND APPEAL NO. 10 OF 2024

ALONGWITH

INTERIM APPLICATION NO. 143 OF 2024

Shri. Laxman Bandu Bhosale & Ors. } ...Appellants

V/S.

Shri. Hari Daji Harugade, since

deceased through Legal Heirs } ...Respondents

Mr. Kuldeep Nikam, for the Appellant.

Mr. Dhanajay Bhosale a/w. Mr. Kedar Pralhad Lad, for the Respondents.

CORAM : SANDEEP V. MARNE, J.

Dated : 27 March 2024.

P.C. :

1) By this Appeal, the Appellants challenge the Order dated 21 October 2023 passed by the District and Additional Sessions Judge-1, Sangli rejecting Civil Misc. Application No. 7 of 2023 which was filed by the Appellant for condonation of delay of 20 days in filing the First Appeal.

2) The Appellant filed application at Exhibit-14 in the execution proceedings bearing Regular Darkhast No. 138 of 2000 in his capacity as Obstructionist. The said application came to be rejected by

the executing Court by Order dated 20 October 2022. After the delay of just 20 days, the Appellant presented his Appeal before the District Court alongwith Misc. Civil Application No.7/2023 seeking condonation of delay.

3) In ordinary course, the District Court ought to have condoned the delay since the length of delay was just 20 days. Such a course of action would have prevented another round of litigation for the parties before this Court. Therefore, the approach of the District Court in rejecting Misc. Civil Application No.7/2023 which sought condonation of delay of just 20 days, is not appreciated.

4) In his usual fairness, Mr. Lad the learned counsel appearing for the Respondents would submit that the delay in filing the Appeal before the District Court can be condoned by this Court and hearing of the Appeal filed by the Appellant be expedited before the District Court.

5) Accordingly, the Order dated 21 October 2023 passed by the District and Additional Sessions Judge-1, Sangli is set aside. Misc. Civil Application No. 07 of 2023 is allowed in terms of prayers made therein. The first Appellate Court shall register the Appeal lodged by the Appellants and proceed to decide the same on its own merits in an expeditious manner. Considering the fact that the execution proceedings are pending since the year 2000, the first Appellate Court shall make an endeavour to decide the Appeal as expeditiously as possible, preferably within a period of 6 months.

6) The Second Appeal is accordingly allowed and disposed of.
Interim Application also stands disposed of.

[SANDEEP V. MARNE, J.]