



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

77 CIVIL APPLICATION NO. 13863 OF 2024
IN CRAFT/31273/2024

78 CIVIL APPLICATION NO. 13867 OF 2024
IN CRAFT/31280/2024

79 CIVIL APPLICATION NO. 13869 OF 2024
IN CRAFT/31284/2024

80 CIVIL APPLICATION NO. 13871 OF 2024
IN CRAFT/31268/2024

81 CIVIL APPLICATION NO. 13873 OF 2024
IN CRAFT/31258/2024

134 CIVIL APPLICATION NO. 13864 OF 2024
IN CRAFT/31239/2024

VIDYA KRUSHNARAO PANSARE AND ANOTHER
VERSUS
HARIBHAU MARUTI SONAWANE AND OTHERS

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Advocate for Applicants : Mr. Patil Bipinchandra K.

Advocate for Respondent No. 1 : Mr. Hon Ashwin Vinayak

Advocate for Respondent No. 2 : Mr. Ganesh s/o Krushnarao Pansare (Party In
Person)

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 28.03.2025

PER COURT :-

1. By these applications, applicants seek condonation of delay of 471 days caused in filing Civil Revision Application/s respectively.
2. It is contention of applicant/s that impugned order is passed on 02.05.2023. Applicants approached High Court Legal Services Authority, Sub Committee, Aurangabad on 06.06.2023. However, they were relegated back to District Legal Services Authority, Ahmednagar vide communication dated 17.06.2023. The District Legal Services Committee, Ahmednagar relegated themn to Taluka Legal Services Committee, Shrigonda. On 12.07.2023 Committee at Shrigonda appointed an Advocate, who prepared a draft of Misc. Civil Appeal along with application for delay condonation and filed same before District Court, Shrigonda. However, District Court disposed off said Misc. Civil Application on 06.04.2024 as not tenable.
3. Thereafter applicants again approached High Court Legal Services,

Sub Committee, Aurangabad seeking legal aid. However, their request was turned down. Applicants then approached to National Legal Services, Committee and also State Legal Services Committee. Accordingly, directions were given to High Court Legal Services Sub Committee, Aurangabad to provide legal aid to applicants. Accordingly, Advocate has been appointed on 21.08.2024 and present Civil Revision Application is filed.

4. Mr. Bipinchandra Patil, learned Advocate appearing for applicants submits that delay in filing present Civil Revision Application is un-intentional. Applicants are poor ladies and do not have means to bear litigation expenses. They are depending upon legal aid. They have taken all possible steps to file Civil Revision Application in time and succeeded to file it with aforesaid delay. Applicants are fighting litigation in respect of immovable property. Their valuable rights are required to be adjudicated on merit, hence he urge to condone delay respectively.

5. Per-Contra, Mr. Hon, learned Advocate appearing for respondents vehemently opposes application by filing affidavit-in-reply. He would submit that there is inordinate delay of 471 days. He points out that although applicants approached Legal Services Authorities, steps were not taken promptly at every stage with intention to prolong litigation. Respondents are litigating for getting relief of specific performance of contract based on agreement to sale. Defendants are interesting in prolonging litigation. He allege malafides behind delay and seeks rejection of applications with heavy costs.

6. Having considered submissions advanced it is discernible that applicants are aged ladies. They were struggling for getting legal aid through Legal Services Authorities to conduct litigation due to financial duress. It is not disputed before this Court that after rejection of applications filed by applicants under Order VII Rule 11 of CPC, they approached Legal Services Authority, Sub Committee, Aurangabad on 06.06.2023. Thereafter, they were relegated to District Legal Services, Committee and District legal Committee again relegated them to Taluka Legal Services, Committee, Shrirampur, who appointed Advocate to institute Civil Misc. Application before District Judge, Shrirampur. Unfortunately, it was proceedings before wrong forum hence learned District Judge rejected same vide order dated 06.04.2024. Again applicants required to

face battle for getting legal aid and ultimately succeeded in getting same vide order dated 21.08.2024. Then Advocate appointed and filed present proceedings.

7. In this background, although there is delay of 471 days, explanation which tendered by applicants is documented. It is discernible that delay is un-intentional. Applicants have not derived advantage by making delay. Even no prejudice would cause to respondents if delay is condoned. In these circumstances, when parties are litigating for their valuable rights over immovable property, proceeding cannot be defeated only on ground of delay, which is duly explained.

8. In that view of the matter, Civil Applications stand allowed. Delay of 471 days caused in filing Civil Revision Applications stand condoned respectively.

9. Civil Revision Application/s be registered.

10. After registration of Civil Revision Application/s, place it for further consideration on 25.04.2025.

(S. G. CHAPALGAONKAR)
JUDGE

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