

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
INTERIM APPLICATION NO.158 OF 2025
IN
APPEAL FROM ORDER (STAMP) NO.325 OF 2025**

URMILA VILAS MORE AND OTHERS
VERSUS
HANMANT M. PAWAR (DECEASED) THR LRS. DILIP H. PAWAR AND
ANOTHER

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Mr. Dhananjayrao D. Rananaware, Advocate for Applicants.
Mr. Kirankumar Phakade a/w Mr. Rushikesh Jagdale, Advocate for Respondents.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 25th NOVEMBER, 2025.**

ORDER:-

1. By this application applicants seek to condone delay of 950 days caused in filing Appeal from Order challenging judgment and decree dated 12.10.2021 passed by District Judge, Satara below Exhibit-87 in Regular Civil Appeal No.261/2010.
2. Heard learned Advocates appearing for respective parties.
3. It appears that, applicants had filed Regular Civil Appeal No.261/2010 before District Judge at Satara. On 12.10.2021, when Appeal was taken up for hearing before District Judge, learned Advocate appearing for applicants/appellants was absent. Eventually, District Judge dismissed Appeal for want of prosecution. Immediately

Advocate appearing for applicants had moved an application below Exhibit-87 for restoration of Appeal. However, same was rejected.

4. As advised to applicants, they independently moved Civil Miscellaneous Application No.90/2021 under Order 41 Rule 19 of Code of Civil Procedure seeking restoration/readmission of Appeal. However, it has been rejected vide order dated 04.03.2023, as order dated 12.10.2021 passed below Exhibit-87 was passed refusing readmission of appeal. The applicants had moved Appeal from Order No.723/2023 against order dated 04.03.2023 before this Court. While hearing of said Appeal, it was revealed that unless order dated 12.10.2021 is challenged, Appeal from Order No.723/2023 cannot be entertained. In that view of matter, applicants filed present Appeal from Order alongwith application to condone delay.

5. Perusal of sequence of events would show that applicants were prosecuting their remedy against dismissal of Regular Civil Appeal and ultimately required to file present Appeal from Order impugning order dated 12.10.2021, whereby their application for readmission of Regular Civil Appeal No.261/2010 was rejected by District Judge. The delay caused in filing Appeal is procedural and cannot be termed as intentional or deliberate. It is true that, respondents must have suffered inconvenience. However, same can be compensated by directing deposit of reasonable cost. Hence, following order:

ORDER

- a. Interim Application is allowed in terms of prayer Clause (b).
- b. Appeal from Order be registered.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/November-2025