

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1565 OF 2025

IN

SECOND APPEAL (ST) NO.34377 OF 2024

1. Shilkumar @ Shantinath Babaso Patil
Age: 49 Years, Occu.: Agriculture,
2. Sushilkumar @ Rajendra Babaso Patil,
Age: 41 Years, Occu.: Agriculture,
3. Kamal Kuber Chougule,
Age: 52 Years, Occu.: Household,
All above R/o. Udgaon, Taluka : Shirol,
District : Kolhapur.
4. Akkasab Ashok Patil,
Age: 44 Years, Occu.: Household,
R/o. Vavgade (Nandre),
Taluka : Tasgaon, District : Sangli.Applicants

In the Matter in Between:

1. Shilkumar @ Shantinath Babaso Patil
Age: 49 Years, Occu.: Agriculture,
 2. Sushilkumar @ Rajendra Babaso Patil,
Age: 41 Years, Occu.: Agriculture,
 3. Kamal Kuber Chougule,
Age: 52 Years, Occu.: Household,
All above R/o. Udgaon, Taluka : Shirol,
District : Kolhapur.
 4. Akkasab Ashok Patil,
Age: 44 Years, Occu.: Household,
R/o. Vavgade (Nandre),
Taluka : Tasgaon, District : Sangli.Appellants
- Vs.

1. Rajendra Annasaheb Chougule,
Age : 42 Years, Occu.: Agriculture,
R/o. Jaysingpur, Taluka : Shirol,
District : Kolhapur.
2. Papani @ Suprabha Baburao Chudappa,
Age: 43 Years, Occu: Household,
R/o. Udgaon, Taluka : Shirol,
District : Kolhapur.Respondents

Mr. Ishaan Kapse, for the Applicants/Appellants.

Mr. Avesh A. Ghadge, i/b. Mr. Akshay A. Kulkarni, for the Respondents.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 16th OCTOBER 2025

JUDGMENT :-

1. The Applicants seek condonation of delay of 238 days caused in filing appeal against Judgment and Decree dated 22nd November 2023 passed by District Judge, Jaysingpur in Regular Civil Appeal No.42 of 2008.
2. It is contention of Applicants that initially, applicants had forwarded papers to his advocate for filing Second Appeal. The Appeal was filed on 15th March 2024 with E-Filing number. On 16th April 2024, the Registry of this Court informed about objection regarding certified copy of Judgment of Trial Court. When Applicants came to know about the aforesaid objection, they took necessary steps for obtaining certified copy of Judgment of Trial Court, however, the record was transmitted by District Court to Trial Court.

3. By the time, the Applicants would obtain certified copy, E-Filing Portal was changed and older NEAR Portal was disabled. As such, the data of E-Filing was not visible in the new portal. Eventually, Applicants filed the Second Appeal with the certified copy of Judgment of Trial Court. In this process, delay of 238 days has been caused, which is not intended.

4. The learned Advocate appearing for Respondents vehemently opposed application and submits that it was responsibility of Applicants to act promptly and comply office objection.

5. The perusal of record indicates that there is substance in contention of Applicants that Appel was filed in time, however, it was not registered for defect communicated by the Registry of this Court. Subsequently, the data regarding filing under old portal is not carried forward to new portal. The Applicants appears to have taken steps for getting certified copy and remove defect that was pointed out by Registry of this Court.

6. In that view of the matter, time consumed for filing appeal and consequential delay does not appear to be intentional. In result, sufficient reason is made out to condone the delay.

7. Hence, Application is allowed in terms of prayer clause (a).
8. Appeal be registered, subject to removal of office objection.

(S. G. CHAPALGAONKAR, J.)

RAJU
DATTATRAYA
GAIKWAD

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Date:
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