

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3843 OF 2025

IN

FIRST APPEAL STAMP NO. 7512 OF 2025

Madhuri Anil Patil Alias Madhuri Shankar Kudale

...Applicant/
Appellant.

Versus

Anil Tanaji Patil

...Respondent

*Adv. Vatsal P., and Adv. Kapil Shah i/by MK Juris Associates (Through VC) for
the Applicant.*

Mr. Sagar Redkar for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : MAY 9, 2025.

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 274 days caused in preferring the Appeal.
2. On previous occasion, upon direction by this Court, an additional affidavit has been filed by the Applicant elaborating the reason for delay.
3. Learned Counsel for the Applicant submits that the impugned Judgment was passed on 28th February, 2024 and the certified copies were received on 6th March, 2024. He submits that as the proceedings were pertaining to District Court at Kolhapur, the Applicant approached the lawyers in Kolhapur however, they declined

to accept the brief in Mumbai and quoted heavy fees. He would further submit that it was only in June-2024 that the present advocate could be contacted and the papers were handed over for the purpose of filing of appeal. He would further submit that as the proceedings were in Marathi, for the purpose of understanding the same, translated copies were called for, which took certain time. He would further submit that the delay has occurred on the part of the office of the advocate as the papers were handed over in August-2024 and for default on part of the Advocate the Applicant should not suffer.

4. Learned Counsel appearing for the Respondent would oppose the Application and would submit that though the Application pleads that marathi documents were required to be translated there is not single document annexed to the Interim Application or First Appeal which is english translation of the marathi document. He would further submit that the pleadings are extremely vague and do not make out any cause for condonation of delay and the same should be dismissed.

5. I have considered the submissions and perused the record.

6. The proceedings arise out of the Hindu Minority And Guardianship Act, 1956 which were conducted before the District Court Kolhapur. It is specific pleading of the Applicant that she was approaching the Advocates at Kolhapur for the purpose of filing of the Appeal however, as they were not ready to accept the brief, and

Advocate in Mumbai was required to be engaged for the purpose of filing the Appeal. While advancing the submissions learned Counsel for the Applicant has candidly admitted that the papers were handed over to the present Advocate in the month of July/August-2024 and the delay has occurred at the hands of the Advocate.

7. Considering the above, there is sufficient explanation for the delay of 274 days and hence the same stands condoned.

8. Interim Application is allowed.

[Sharmila U. Deshmukh, J.]