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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO. 7014 OF 2025.**

**IN**

**FIRST APPEAL(ST) NO. 11448 OF 2025**

Pritam Genubhau Shende And Ors.

...Applicant.

**Versus**

Pramod Shantaram Zagade

...Respondent.

*Mr. Rakesh Patil, for the Applicant.*

*Mr. Vishwanath Patil a/w. Mr. Harshwardharn J.Karande, for the Respondent.*

**Coram : Sharmila U. Deshmukh, J.**

**Date : May 8 , 2025.**

**P. C. :**

1. Interim Application has been preferred seeking condonation of delay of 177 days caused in preferring the Appeal .
2. Learned counsel appearing for the Appellant submits that after the impugned Judgment and Order was passed by learned Civil Judge Senior Division, Baramati, regular Appeal was filed before the District Court. Before the District Court an application was filed by the Respondent that District Court has no pecuniary jurisdiction as the suit was valued at Rs.1,00,03,000/- and for the purpose of First Appeal the same valuation would apply. He would further submit that thereafter an application came to be moved, in view of the objection raised for correcting the valuation of the First Appeal and as the valuation was

Rs.1,00,03,000/-, the District Court did not have the jurisdiction and the Appeal was returned for filing before this Court which led the delay of 177 days.

3. Learned counsel for Respondent would submit that there is no sufficient cause for condoning the delay. He submits that the Applicants were well aware that the District Court would not have jurisdiction as the valuation was above Rs.1Crore and despite thereof filed the same before the District Court. He submits that the valuation in the suit was Rs.1,00,03,000/- and the Appeal would be maintainable before this Court which was to the knowledge of the Applicant and therefore the Application is not bonafide.

4. I have considered the submissions.

5. It is not disputed that the suit was valued at Rs. 1,00,03,000/- in the trial Court and the Appeal came to be filed before the District Court which does not have the jurisdiction to decide the proceedings where the value is more Rs. One Crore. Presuming the valuation to be within One Crore, the Appeal came to be filed before the District Court. There is nothing which would be gained by the Appellant by filing the proceeding before the District Court and delaying the matter, when the trial Court proceedings were diligently pursued and the Appeal was also filed within the period of limitation. It appears to be an error of inadvertence and there is sufficient explanation for delay of

177 days and same stands condoned.

6. Interim Application stands allowed.

7. List the First Appeal and other application on **16<sup>th</sup> June 2025**, under the caption for Admission.

**[Sharmila U. Deshmukh, J.]**