



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAS) NO.221/2024
IN
SECOND APPEAL ST. NO.5755/2024

Prakash Ramkrushna Dhenge
...Versus...
Vijaysingh Ganpatsingh Thakur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. K.S. Motwarni, Advocate for applicant
Mr. A.A. Pannase, Advocate for respondent No.1

CORAM : ROHIT W. JOSHI, J.
DATE : 19/11/2025

1. This is an application seeking condonation of delay of 645 days caused in filing second appeal.
2. The applicant states that the learned Advocate, who was representing him before the learned trial Court and the first Appellate Court was requested to draft the second appeal in order to challenge the impugned decree. He states that the file was not traceable in the office of the learned Advocate and therefore, there is a delay in filing the second appeal. Learned Advocate for the applicant states that the applicant, who is a retired person should not be penalized and deprived of his right to file second appeal since the delay is *bona fide* and unintentional.
3. Per contra, learned Advocate for the respondent No.1 states that the applicant is regularly appearing in the execution proceedings and therefore, the reason assigned is

not plausible and delay should not be condoned.

4. Having considered the rival submissions as aforesaid, it appears that although there is some delay in filing the second appeal and the appeal should have been filed earlier, a lenient view needs to be taken in the matter having regard to the age of the applicant and the fact that the suit property is residential house of the applicant.

5. In view of the aforesaid, the delay caused in filing the second appeal deserves to be condoned and the same is condoned accordingly. However, in order to balance the equities, the applicant is directed to pay costs of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the respondent No.1 on or before 20/12/2025.

6. In the event of failure to deposit the cost within the stipulated period, the application shall stand rejected without reference to the Court.

7. Civil Application is allowed and disposed of accordingly.

(ROHIT W. JOSHI, J.)