



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

CIVIL APPLICATION NOS. 834 OF 2024 (CAS)

IN

SECOND APPEAL ST. NO. 15014 OF 2024

MURLIDHAR DAUDASJI TAORI

VERSUS

ARCHAN RAVINDRA NAKHLE AND ANOTHER

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

Court's or Judge's Order

Mr. Parth Sagdeo, Advocate for the appellant/applicant.
Mr. D. G. Takwale, Advocate for the respondents.

CORAM : M. W. CHANDWANI, J.

DATE : JULY 23, 2025.

1. Heard the learned counsels for the applicant as well as the non-applicants.
2. By this civil application, the applicant/appellant seeks condonation of delay of 371 days in preferring the appeal.
3. The contention is that, though the order was passed by the learned District Judge, Wardha on 29.04.2023, thereby dismissing the appeal preferred by him, he came to know about the order from his counsel in the 2nd week of July,2023. In spite of his request, a copy of the said order was not provided to him. Therefore, he applied for certified copy, which he received on 05.01.2024. He approached various counsels for their opinion. This activity continued till May-2024 and thereafter, summer vacation of the High Court commenced. The appellant is suffering from various ailments, more particularly 'Major

Depressive Disorder'. During the said period, the certified copy which he had received was misplaced. Therefore, he again applied for certified copy of the impugned order dated 29.04.2023. He received the same on 06.07.2024 and he filed the appeal on 08.07.2024. According to the learned counsel, the applicant has explained the delay by giving sufficient reasons. In support of his submissions, he relied on the judgment in *Sheo Raj Singh (Deceased) thru. Legal Representatives and others .vs. Union of India and another*, reported at (2023) 10 SCC 531.

4. The application is objected by the non-applicants on the ground that sufficient reasons have not been provided. The reason for delay in filing the appeal even after receipt of first certified copy is not convincing. Even the time consumed in getting the earlier certified copy does not appear to be genuine. Hence, he sought rejection of the application.

5. No doubt, the appellant has to explain the delay by giving sufficient cause. However, it is not necessary for him to explain day to day delay. In *Sheo Raj Singh (supra)*, the Supreme Court has observed that 'sufficient cause' should be adequately elastic to enable the Courts to apply the law in a meaningful manner which subserves the ends of justice and should be considered with pragmatism in a justice-oriented approach rather than the technical detection of sufficient cause for explaining every day's delay. The length of delay is not always decisive

while exercising discretion, if the delay is properly explained.

6. Considering the reasons mentioned in the application and the medical certificate issued to the appellant by Dr. Gawande, more particularly when there is nothing on record to show that the delay in filing the appeal is *mala fide*, in my view, substantial justice cannot be denied for technical reasons. Therefore, the delay caused in filing Second Appeal is hereby condoned, subject to the payment of costs of Rs.5,000/- (Rupees Five thousand only) to the Gondia Bar Association, Gondia for the development of its library.

7. The application is allowed and disposed of.

8. The Second Appeal be registered.

(M.W.Chandwani, J.)

Diwale