



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 CIVIL APPLICATION NO. 6715 OF 2024
IN FAST/16071/2024

SURESH PRABHAKAR INGOLE
VERSUS
RANGRAO TUKARAM MITKAR AND ANR

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Mr. P. S. Agrawal, Advocate for Applicant
Mr. V. N. Dhavse, Advocate for Respondent No.1
Mr. Abhijit Choudhari Advocate for Respondent 2

CORAM : SANJAY A. DESHMUKH, J.

DATED : 7th MAY, 2026

P. C. :-

1. The present Civil Application is filed for condonation of delay of 273 days caused in filing the first appeal.
2. Learned Advocate for the applicant submitted that the delay was neither deliberate nor intentional, but occurred due to the poor financial condition of the applicant, which prevented him from filing the appeal within the prescribed period. He, therefore, prayed that the application be allowed.
3. Learned Advocate for the respondent strongly opposed the said application, submitting that the reasons stated therein are not sufficient to satisfactorily explain the delay, as contemplated under Section 5 of the Limitation Act.
4. Upon perusal of the application, it appears that the delay was not

deliberate. On the contrary, the applicant was prevented from filing the appeal within time due to his poor financial condition. Therefore, the application deserves to be allowed. Hence, the application is allowed and the delay in filing the appeal is condoned in the interest of justice. However, it is clarified that the applicant shall not be entitled to interest for the period of delay.

5. In FA(ST) No. 16071 of 2024, issue notice to the Respondents, returnable on 16th July, 2026. Mr. V. N. Dhavse, learned Advocate waives service of notice for Respondent No.1. Mr. Abhijit Choudhari learned Advocate waives service of notice for Respondent 2.

6. Call R and P.

(SANJAY A. DESHMUKH, J.)

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