



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 CIVIL APPLICATION NO. 6298 OF 2025
IN FAST/15408/2025

SURESH MAHADU CHAUDHARI
VERSUS
RAVINDRA MAHADU CHAUDHARI AND ORS

.....
Advocate for Applicant : Mr. Bajaj Anil S.
AGP for Respondents: Mr.
Advocate for R/1, 4, 5 & 6 : Mr. Choudhari Abhijit
Advocate for R/3 : Mr. A.V. Hon
Advocate for R/7 : Mr. Y.B. Bolkar
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CORAM : Y.G. KHOBRAGADE, J.
DATE : 17.01.2026

PC.:-

1. Heard advocate Mr. Bajaj the learned counsel appearing for the applicant, Mr. Choudhari the learned counsel appearing for the non-applicant nos.1, 4, 5 and 6, Mr. Hon the learned counsel appearing for the non-applicant no.3 and Mr. Bolkar the learned counsel appearing for the non-applicant no.7.
2. By the present application, the applicant prays for condonation of delay of 92 days caused while lodging the present appeal against the judgment and decree dated 17.10.2024 passed in Special Civil Suit No.92/2014 by the learned Jt. C.J.S.D., Dhule. The learned counsel appearing for the applicant submits that after the impugned judgment and

decree was passed, the present applicant had requested his counsel to obtain the certified copy of judgment and decree and other relevant documents and some time was taken by the counsel to draft the appeal with the application. Therefore, the delay has been caused.

3. The learned counsel appearing for the non-applicant no.3 has filed reply and strongly resisted the application. The learned counsel appearing for the non-applicant no.3 canvassed that the delay has not been properly explained. The learned counsel appearing for the non-applicant nos.1,4, 5 and 6 submits that no *bona fide* and substantial reasons are assigned for condonation of delay.

4. It is well settled principal of law that the litigant should not suffer from receiving substantial justice merely on technical ground including the ground of delay. In the case in hand, the applicant has given reasons that after the judgment and decree was passed he approached his counsel for obtaining the certified copy of necessary documents due to which delay of 90 days has been caused, which appears to be *bona fide* and substantial. Therefore, I am inclined to grant the present application and proceed to pass the following order:

ORDER:

- i. Civil Application No.6298/2025 is hereby allowed.

- ii. Delay of 92 days caused in filing the appeal is hereby condoned.
- iii. Office to register the first appeal.

First Appeal Stamp No.15408/2025:

- 5. Heard advocate Mr. Bajaj the learned counsel appearing for the appellant.
- 6. By the present appeal the appellant/original defendant no.3 takes exception to the judgment and decree dated 17.10.2024 passed in Special Civil Suit No.92 by the learned CJJD, Dhule, whereby the suit of the respondent no.1/original complainant was dismissed.
- 7. Issue notice to the respondents made returnable on 13.02.2026. Mr. Choudhari waives notice for the respondent nos.1, 4, 5 and 6, Mr. Hon waives notice for the respondent no.3 and Mr. Bolkar waives notice for the respondent no.7.

[Y.G. KHOBRADE, J.]