



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

90 CRA NO. 205 OF 2025

MAHADEV HARI PANDGE

VERSUS

PARVATI KERBA SALUNKE AND OTHERS

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Advocate for Applicant : Mr. Pathade V. H.

Advocate for Respondent Nos.1 to 3 : Mr. M. D. Shinde.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 11.02.2026

PER COURT :-

1. Heard both sides.
2. Revision is directed against the order dated 02.08.2025 passed in Civil Miscellaneous Application No.26 of 2024 condoning the delay of 90 days in preferring the appeal.
3. Applicant is original plaintiff who was successful in Regular Civil Suit No.35 of 2022 seeking relief of declaration. The suit was proceeded ex-parte against defendant Nos.1 and 2. Being aggrieved, regular appeal was preferred along with application for condonation of delay.
4. Learned counsel for the applicant submits that the approach of the Court in condoning the delay is quiet casual. The reasons mentioned in the application are false and

unconvincing. It is further submitted that impugned order is against the principles of natural justice because matter was transferred and applicant was not heard by the Principal District Judge who passed impugned order. It is further submitted that the approach of the Court is against law laid down by Supreme Court in *Lanka Venkateswarlu (Dead) by L.Rs. Vs. State of Andhra Pradesh and others ; (2011) 4 Supreme Court Cases 363*.

5. Per contra, learned counsel Mr. Shinde supports the impugned order. He would submit that impugned order is reasonable and plausible and no interference is called for.

6. The delay is of 90 days only. The Presiding Officer considered the contents of the application and say. Application spells out the reasons. There is nothing on record to show that there was some oblique motive on part of the respondents to file appeal belatedly. The stakes are involved in the matter. The rights and liabilities are required to be decided on merits by adopting pragmatic approach. I do not find any illegality or perversity in passing the impugned order.

7. The reliance is placed on the judgment of Supreme Court *Lanka (supra)*. I have gone through the relevant ratio which is undisputed. However, in the present matter, I prefer to adopt a

pragmatic approach. I do not find that no case of grave prejudice is made out by the applicant. I find no merits in the application.

8. Civil revision application is rejected.

(SHAILESH P. BRAHME, J.)

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vmk/-