IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3726 OF 2025
IN
FIRST APPEAL ST NO. 2613 OF 2025

Tilari Shikshan Prasarak Mandal
through Its President
Tushar Tulasaram Gavade & Ors. ……Applicants
Vs.
Joint Charity Commissioner,
Kolhapur Division, Kolhapur & Ors. ……Respondents

WITH
INTERIM APPLICATION NO. 3727 OF 2025
IN
FIRST APPEAL ST NO. 2613 OF 2025

Tilari Shikshan Prasarak Mandal
through Its President
Tushar Tulasaram Gavade & Ors. ……Applicants
Vs.
Joint Charity Commissioner,
Kolhapur Division, Kolhapur & Ors. …..Respondents

...

Mr. Utkarsh Desai i/b Mr. Prashant Bhavake, Advocate for Applicants.
Ms. M. Kulkarni, i/b Mr. Abhijit Adagule, Advocate for the Respondent No.3.
Mr. Avinash Naik, AGP for Respondent-State.

...

CORAM : SHAILESH P. BRAHME, J.
DATE : 5TH OCTOBER, 2026.

ORDER :

INTERIM APPLICATION NO. 3726 OF 2025

. Heard both sides.

2. The Applicant seeks condonation of delay of 554 days in preferring the First Appeal.

3. Learned counsel for the Applicant relies upon paragraph Nos. 12 and 13 of the application for condonation of delay. It is submitted that there are no *mala-fides* on the part of the Applicants in preferring the appeal belatedly.

4. It is further submitted that, in part compliance with the impugned order, the explanation was tendered, albeit belatedly, but the same has not been dealt with by the competent authority.

5. It is further submitted that the Respondents have no locus to prefer an application under Section 41-E, which aspect has not been dealt with in the impugned order.

6. Learned counsel Ms. M. Kulkarni, appearing for Respondent No. 3, relies upon the affidavit-in-reply to counter the submissions. It is submitted that there is an inordinate delay from 17.07.2023 to 22.01.2025. The explanation submitted on 09.01.2024 was also

beyond the prescribed time. It is further submitted that the Applicants have indulged in activities detrimental to the interests of the Trust and, therefore, they have rightly been prohibited by the impugned order.

7. I have considered the rival submissions of the parties. I have gone through paragraphs 7 and 8 of the application. I do not find any *mala-fides* or oblique motive on the part of the Applicant in preferring the appeal belatedly.

8. By the impugned order, the Applicants were directed to submit their explanation within 30 days from the date of the impugned judgment and order dated 17.07.2023. The explanation appears to have been submitted on 09.01.2024, belatedly. The consequences of submission of the explanation, or of its belated submission, are not spelt out in the impugned judgment and order.

9. I find that it would be appropriate to deal with the appeal on its own merits rather than rejecting it on technical grounds.

10. For the reasons stated above, Interim Application No. 3726 of 2025 is allowed in terms of paragraph 15(b), subject to the condition that the Applicant shall deposit a sum of Rs.25,000/- towards costs

with the Bombay High Court, Kolhapur Bench Bar Association Ad-hoc Committee within a period of three weeks. The details of the account for payment are as follows:

Bank Name	:	Shree Gajanan Nagari Sahakari Patsanstha, Marya, Patolewadi, Kolhapur.
Branch	:	Sahupuri, Kolhapur.
A/c. No.	:	00032010001745.

[SHAILESH P. BRAHME J.]

Suresh