

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

WRIT PETITION NO. 749 OF 2026

Vilas Shankar Desai ...Petitioner
VERSUS
Kausarbanu Najirahmhad Chamanshaikh ...Respondent

Mr. Amit Sale a/w Mr. Shreyas Karajgar, Advocate for Petitioner.

CORAM : NITIN B. SURYAWANSHI, J.
DATE : 17th FEBRUARY, 2026

P.C.

1. The Petitioner challenges the order dated 10.03.2025 passed by the learned District Judge-2, Sangli below Exhibit-48 in Regular civil Appeal No.157 of 2018 thereby condoning the delay of 400 days in filing cross objection.

2. Heard learned Advocate for the Petitioner. Perused the Memo of the Writ Petition, grounds mentioned therein, annexures to the Petition and the impugned order.

3. Learned Advocate for the Petitioner assailed the impugned order stating that no sufficient ground is made out by the Respondent for condonation of delay. The delay is condoned when the matter was listed for final argument. Therefore, the impugned order is unsustainable.

4. The Respondent has mentioned three grounds for condonation of delay of 400 days. First, her son is physically handicapped and he remains frequently ill and she has to look after his treatment. Second, her mother-in-law was ill for a considerable time and to take her care at Village Kudchi in Karnataka State and third, she was suffering from depression. Evidence was led in support of the delay condonation application.

5. The Appellate Court has held that though the delay is not properly explained, the cross objection is required to be taken on record for adjudication of the appeal finally on merit. The record indicates that though the appeal is posted for final argument, no final argument was heard before filing the delay condonation application.

6. The view taken by the Appellate Court is in-consonance with the settled legal position that the delay is to be liberally condoned. The appellate Court has taken a possible view and has exercised the discretion in favour of the Respondent which is not liable to be interfered with. Even otherwise, the Respondent needs to be given fair opportunity to contest her cross objection on merits.

7. No case is made out by the Petitioner to exercise extraordinary writ jurisdiction. Writ Petition is therefore dismissed.

(NITIN B. SURYAWANSHI, J.)