

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8156 OF 2025
IN
FIRST APPEAL (ST) NO. 12913 OF 2025

Chandrappa Margappa Belly

...Applicant.

Versus

Ratnamma Jayawant Belly & Ors.

...Respondents.

Mr. Ditendra Mishra a/w. Mr. Prerith Menon, Advocate for Applicants Ajit Mandalik, Advocate for Applicant.
Mr. S.S. Kharat i/b. P.M. Havnur, Advocate for Respondent No. 1.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : APRIL 07, 2026

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 51 days in filing the First Appeal.
2. Learned Counsel for the Applicant submits that the order was passed on 8th November, 2024 and the order was not ready till 21st January 2025 and hence there is delay.
3. The said Application is opposed by the learned Counsel appearing for the Respondent No. 1 by contending that there is no

explanation for the delay.

4. In paragraph-4 of the Application, it is pleaded that the Application for certified copy was filed on 14th November, 2024 and the same was ready on 21st January, 2025 and delivered on 21st January, 2025. Even after the copy was received, there is delay of 51 days. The delay is apparently by reason of default on the part of the Advocate for Applicant, for which the litigant cannot be made to suffer. The delay is of 51 days and not such colossal delay which cannot be condoned. It is well settled that the liberal approach is required to be adopted while dealing with application under Section 5 of the Limitation Act.

5. In the light of the above, Interim Application is allowed.

[SHARMILA U. DESHMUKH, J.]