

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO. 12856 OF 2025
IN
FIRST APPEAL (ST) NO. 33370 OF 2025**

Mr. Rajendra Panditrao Saraf

...Applicant/
Appellant

Versus

Krantiveer Chapekar Samiti Thr. Its President And
Trustees

...Respondents

*Mr. Nachiket Kulkarni a/w Mr. Gaurav Ugale i/b Mr. S. S. Kulkarni,
Advocate for the Applicant/Appellant.*

*Mr. Sanjiv Sawant a/w Mr. Abhishek Deshmukh, Ms. Bhakti Wast, for the
Respondent no. 1 a & b.*

CORAM : SHARMILA U. DESHMUKH, J.

DATE : January 19, 2026

P. C. :

1. The Interim Application has been preferred seeking condonation of delay of 121 days caused in filing the Appeal.
2. Learned counsel appearing for the Applicant submits that the Applicant is suffering from Asthama since the past 4 years which was aggravated by viral infection. He submits that he was advised to take rest, as a reason whereof, he was unable to approach his advocate for purpose of drafting of the appeal. He submits that the delay caused is

by reason of health condition. He would further point out to the medical certificates annexed to the application to substantiate the contention about the medical ailment.

3. Mr. Sawant, learned counsel appearing for the Respondent No. 1 (a) and (b) would oppose the Application. He submits that the passing of the order was within knowledge of the Applicant and therefore no help can be taken from the delay in applying for the certified copy. He would further submit that medical certificate which are on record would show that the Applicant was on medication and nothing prevented him from filing the present proceedings in time. He submits that the delay of 121 days not having been satisfactorily explained, the application ought to be dismissed.

4. I have considered the submissions and perused the record.

5. The explanation given in the Application is about the medical ailment of the applicant for the delay of 121 days. It is well settled that liberal approach is required to be adopted unless there is any negligence or inaction on part of the Applicant. It appears from the proceedings that the Applicant has been diligently pursuing the proceedings. The medical certificate on record would demonstrate the ill health of the Applicant. The explanation tendered is satisfactory explanation and the delay is not an inordinate delay which cannot be condoned.

6. In light of the above, the Interim Application is allowed. The delay stands condoned.
7. List the First Appeal under the caption for 'admission' on **5th February, 2026.**

[SHARMILA U. DESHMUKH, J.]