



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAS) NO.1185 OF 2025 IN
SECOND APPEAL ST. NO.17314 OF 2025

Nilkanth S/o Tanba Pazare and another .Vs. Ranjana W/o Udhaorao Dhabarde and
another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.G. Malode, Advocate for applicants.

Mr. A.D. Patil, Advocate for respondent No.1.

CORAM : ROHIT W. JOSHI, J.
DATE : 10/03/2026

1. There is a delay of 1031 days in filing second appeal. The applicant No.1 is a senior citizen aged about 79 years. He has stated that the appeal could not be filed within prescribed period of limitation due to financial constraints. There is a statement in the application that he is residing in an old age home run by the Government.

2. The learned Advocate for the respondents opposes the application, stating that although the applicant did not file second appeal within time, he was prosecuting the execution proceedings diligently. It is pointed out that the decree is already satisfied inasmuch as sale deed with respect to the suit property is executed and the respondents/defendants are also placed in possession of the suit property.

3. Having regard to the fact that the applicant No.1 is aged about 79 years and is residing in an old age home run by the Government, the explanation of financial constraints offered appears to be plausible. Apart from this, as contended by the respondent the decree is satisfied. Therefore, condonation of delay will not cause any prejudice to the respondent. Application for condonation of delay is **allowed**.

4. List the appeal on **23.03.2026**.

(ROHIT W. JOSHI, J.)

C.L. Dhakate