

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

CIVIL APPLICATION (CAS) NO.225 OF 2021

IN

SECOND APPEAL ST. NO.4838 OF 2021

(CHANDRASHEKHAR GOPALA KULMETHE...VS.. SMT. SARASWATA FAGO PANDHARE & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Himanshu a. Khedikar, Advocate for Applicant/ Appellant.
Shri H.S.Rahangdale, Advocate for Respondent Nos. 1 to 3.

CORAM : ANIL S. KILOR, J.

DATED : OCTOBER 28, 2021.

1. Heard.
2. This is an application for condonation of delay in filing the second appeal. There is delay of 294 days in filing the second appeal.
3. The learned counsel for the applicant submits that on 20th February 2020 the learned lower appellate Court passed the impugned judgment and decree. The application for certified copy was made on 24/02/2020 and the same was received on 28/02/2020. However, because of nationwide lock-down declared on 25/03/2020, delay has been caused in filing the second appeal. It is submitted that in view of the limitation period extended by the Hon'ble Supreme Court of India, initially, vide its order dated 27/03/2020 and lastly on 8th March 2021, there is no delay caused in filing the second appeal. However, as an abundant caution this application as been filed by the applicant.

4. The learned counsel for the non-applicant does not dispute the fact that the limitation period was extended by the Hon'ble Supreme Court of India vide order dated 27/03/2020.

5. In that view of the matter, I have no hesitation to hold that the applicant has given sufficient explanation for delay. Accordingly, the application is **allowed**. Delay, if any, caused in filing the second appeal, is condoned.

6. Registry is directed to register the second appeal and put up before the Court for further consideration on **16th November 2021**.

JUDGE

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