

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

CIVIL APPLICATION (CAS) NO.438 OF 2021

IN

SECOND APPEAL ST. NO.7624 OF 2021

(DEVRAO JAGANNATH RAUT & ANR....VS.. EKNATHJIWAN DEVTALE & ORS.)

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

Court's or Judge's orders

Shri P.S.Wathore, Advocate for Applicants/Appellants.
Shri V.N.Morande, Advocate for Respondent Nos.1 to 5.

CORAM : ANIL S. KILOR, J.
DATED : NOVEMBER 23, 2021.

1. Heard learned counsel for the applicants and respondent Nos. 1 to 5. None for the respondent Nos. 6 to 8, though served.

2. The learned counsel for the applicants states that there is delay of about 583 days in filing the second appeal. He has explained the delay in paragraph Nos. 2 to 4 of the application and has specifically emphasized the reason for delay due to pandemic situation.

3. The learned counsel for the respondent Nos. 1 to 5 opposed the application, however, he is not disputing the situation faced by the litigants during pandemic.

4. I find that the reasons given in the application are satisfactory and sufficient to explain the delay caused

in filing the second appeal. I am of the view that though the delay is of more than 500 days, liberal approach should be adopted.

5. In view of above, the application is **allowed**. The delay caused in filing the second appeal is condoned subject to costs of Rupees Two Thousand Five Hundred, to be deposited with High Court Legal Services Sub-Committee, Nagpur within a period of two weeks, failing which the appeal shall stand dismissed.

6. If cost is deposited, within the stipulated period, appeal be registered and it be listed for admission before the Court.

JUDGE