

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

Civil Application (CAS) No.558/2020
IN
Second Appeal Stamp No.12783/2020

Viththalrao Shankarrao Khedkar (Dead) thr. his LRs. **Vs.** Sau. Jasodabai Ganeshlal Sahu

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri K.P. Mahalle, Advocate for the Applicants/Appellants.

CORAM : S.M. MODAK, J.
DATE : 27th SEPTEMBER, 2021.

Heard learned Advocate for the applicants/original
 defendant.

Though the respondent/plaintiff is served, there is no appearance. The first Appellate Court delivered the judgment on 18th March, 2020. Though initially the defendant has not applied for certified copy, he applied on 25th November, 2020. It is because of the fact that the respondent/plaintiff has filed M.J. Case No.711/2020. It was for the purpose of extension of time in depositing the remaining amount of consideration of Rs.24,20,000/- including interest as ordered by the first Appellate Court.

The executing Court, as per the order dated 14th September, 2021, was pleaded to condone the delay of 19 days and allowed the request. Due to the lock down on account of Covid, the applicants could not visit the Court. At that time also the order passed by the Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) No(s). 3/2020 about extending the period of limitation was in force. Hence, the reasons are convincing. The following order is passed:-

ORDER

1. The civil application is allowed.
2. The delay of 181 days in preferring second appeal is condoned.
3. Second Appeal be registered.
4. The civil application is disposed of.

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This appeal along with Civil Application (CAS) No.559/2020 for stay be kept on 7th October, 2021 for hearing on the point of admission.

JUDGE

vijay