

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 3637 OF 2020
IN
FIRST APPEAL (ST.) NO. 5461 OF 2020**

Maruti Laxman Pawar & Ors. ... Appellants (Orig. Claimants)

Versus

Sub Divisional Officer,
Dapoli, District Ratnangiri & Ors. ... Respondents

Mr. Dilip Bodake for the Appellants.

CORAM : R.I. CHAGLA, J.

DATED : 6th DECEMBER, 2022.

ORDER :

1 The Office noting shows that service has been waived on Respondent Nos.1 and 2 and Respondent No.9 and 10 have been duly served. Respondent Nos.3 to 8 and 11 have expired.

2 The Interim Application has been filed for condonation of delay of 266 days in filing the present First Appeal. Explanation has been provided for the delay in paragraphs 5 to 8. The delay was on account of the paucity of funds thereby the Applicants were unable to pursue the

First Appeal. Further, the Applicants who are from Ratnagiri had difficulty in approaching their Advocate's office shortly after the Trial Court had passed the impugned judgment and award as it was during the monsoon season. The documents were delivered to their Advocates in September 2019. There was time taken for preparation of the First Appeal and thereafter the Applicants could not visit Mumbai on account of the nationwide lock down due to Covid-19 pandemic. The Applicants have stated that they due to poor financial position they could not file the First Appeal in time. There is no intentional or deliberate attempt to delay the First Appeal.

3 Having considered the averments in the Interim Application as well as noting that satisfactory explanation has been given for the delay in filing the First Appeal, the relief sought for is required to be granted. Hence, the following order is passed :

- i) The delay of 266 days in filing the First Appeal is condoned.
- ii) Office to take First Appeal on file.
- iii) Interim Application is accordingly disposed of.

(R.I. CHAGLA, J.)

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