

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

**INTERIM APPLICATION NO. 1176 OF 2021
IN
FIRST APPEAL (ST) NO. 95296 OF 2020**

Smt.Meena Tukaram Salunkhe & Ors.

...Applicants

vs.

Vikram Tukaram Patil & Anr.

...Respondents

Mr.Akshay A. Kulkarni for Applicants.

Ms.Shalini Shankar for Respondent No.2.

CORAM : ANIL S. KILOR, J.

DATED : 25 JANUARY 2022

P.C. :

Heard Mr.Kulkarni, learned Counsel for the Applicants, Ms.Shalini Shankar, learned Counsel appearing for Respondent No.2. None for Respondent No.1.

2. Mr.Kulkarni, learned Counsel for the Applicants, submits that there is a delay of one year and 202 days, however, if the period of pandemic not considered while calculating the days of delay, the delay would be 300 and odd days. It is submitted that as the Applicants were not aware of the period of limitation and after obtaining necessary legal advice from the advocate, the process was initiated, however, till that time, the lockdown due to pandemic was declared and therefore, the Applicants were not in a position to file the appeal and as such delay has been caused.

3. Ms.Shalini Shankar, learned Counsel for Respondent No.2 has

no objection, but she submits that as sufficient cause has not been shown, the said application be rejected.

4. After going through the application and the reasons stated in the application, I have found that from March 2020, there was lockdown and before that, the time was consumed in obtaining the necessary legal opinion and advice due to lack of awareness of legal proceeding.

5. Furthermore, no reply has been filed by any of the Respondents opposing this application or disputing the facts stated in the application. In that view of the matter, I am satisfied that the reasons stated in the application are sufficient and satisfactory for condonation of delay.

6. Accordingly, I pass the following order :

ORDER

(i) The application for condonation of delay is allowed. The delay caused in filing the first appeal is condoned.

(ii) The office is requested to register the first appeal and place the same before the court for admission.

(ANIL S. KILOR, J.)