

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

**INTERIM APPLICATION NO. 9827 OF 2022
IN
FIRST APPEAL NO. 128 OF 2013**

Kusum Hari Patil and anr. Applicants
v/s.
Ammu John Kennedy and anr. Respondents

Mr. Vishal G. Salvi for the Applicants.
Mr. H.M. Inamdar and Mr. Parmeshwar B.A. for R.No.1.
None for Respondent No.2.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 19th SEPTEMBER, 2022.

P. C. :-

. By this Application, the Applicants have sought to condone the delay of 03 years and 104 days and to restore the Appeal which was dismissed on 24/01/2019 for non compliance of conditional order.

2. Heard learned counsel for the Applicants and learned counsel for the Respondents. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The Applicants are stated to be laymen and were unaware of the procedure. Learned counsel for the Applicants states that advocate Mr.

Jitendra Patade, who was earlier representing the Applicants, had not informed the Applicants that the Appeal has been dismissed for non prosecution. It is stated that subsequently, the Application could not be filed within time due to outbreak of Covid-19 pandemic.

4. Considering the reasons stated in the Application and in the interest of justice, the delay is condoned and Appeal is ordered to be registered subject to payment of costs of Rs.25,000/- to be paid to Respondent No.1 within a period of two weeks.

5. Interim Application stands disposed of.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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