

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

CIVIL APPLICATION (CAO) NO. 126 OF 2022
IN
CROSS-OBJECTION (XOB) (ST.) NO. 1514 OF 2022
IN
SECOND APPEAL NO. 620 OF 2017

Smt. Kashibai Wd/o. Daddusingh Thakur (dead) thr. LRs. Kishoridevi W/o. Harpalsingh Thakur

...**VERSUS**...

Pandharinath S/o. Hagruji Mundle

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

Court's or Judge's order

Shri Mohd. Ateeque Abdul Mushtaque, Advocate for cross-objector/applicant.

Shri S.L.Kotwal, Advocate for non-applicant.

Shri P.L.Sagdeo, Advocate h/f. Shri M.M.Agnihotri, Advocate for proposed respondent.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 29th August, 2022.

Heard parties.

2. There is cross-objection filed by the cross-objector/applicant in Second Appeal wherein there is delay of 760 days. It is contended by the learned counsel for the applicant that there is no intentional delay in filing Cross-Objection. Though she has given appearance in the Second Appeal in the month of January, 2018, due to outbreak of pandemic, she was unable to contact to the learned counsel.

3. The learned counsel for the non-applicant vehemently opposed the application on the ground that since January, 2018, she is filing application in the Second Appeal. As such, there is no substance in the ground put-forth for the cause of delay.

4. In my considered opinion, admittedly, there may be some period when there was no pandemic. However for about two years, there was no normal functioning of the offices. As appeal is admitted, in view thereof, I am inclined to condone the delay subject to the costs. Accordingly, the application is allowed.

5. The delay in filing Cross-Objection is hereby condoned subject to costs of Rs. 2,000/- to be paid to the non-applicant within two weeks. Accordingly, the application stands disposed of.

6. Office is directed to register the Cross-Objection.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar