

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

Civil Application [CAS] Nos.830, 831, 832 & 833 of 2021

in

Second Appeal No.169 of 2016

Shri Ramchandra s/o Bhayyalalji Wadbudhe

vs.

Shri Madhukar s/o Bhayyalalji Wadbudhe

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

Court's or Judge's Orders

Mr. Mohammed Ateeque, Advocate for the Applicants.

Mr. D.R. Khapre, Advocate for the Respondent sole.

CORAM : S.M. MODAK, J.

DATE : 14th JUNE, 2022.

The appellant sole expired on 20/04/2020. His death certificate is not annexed. Today, it is tendered across the bar. Its copy is supplied to the respondent. It is taken on record and marked as Annexure "X" for identification.

02] There is a delay of 40 days. When the appellant was alive, he was prosecuting the appeal and the legal representatives were not aware about pendency of the appeal. After being aware of the appeal, they have taken steps by contacting their Advocate and, hence, there is a delay. It is opposed on behalf of the respondent strongly for the reason that ignorance of the proceedings cannot be a good ground.

03] Be that as it may, it is true that at the relevant time, there was a Covid wave going on throughout the country. It was also difficult for the litigants to follow that ordinary pursuits and forget about the proceedings. Hence, there is a good ground of condonation of delay.

04] Hence, all the applications are allowed. The delay is condoned. Abatement is set aside. The names of legal representatives of

the deceased-appellant be brought on record. Necessary amendments be carried out. Amended copy of the appeal-memo be supplied to the respondent. All the applications are disposed of.

Civil Application [CAS] Nos.406 & 407 of 2022:

There are two prayers, one is for withdrawal of the amount deposited by the appellant and second is for vacating the stay for non-compliance of the condition imposed by this Court in the order dated 18/10/2019. The order dated 18/10/2019 says that if there would be a default for consecutive two months, the stay will be vacated. Whereas, the originally stay was granted on 04/10/2017.

02] Copies of the applications be supplied to the appellant(s). The appellant(s) also to clarify as to how much amount they have deposited and if they want to deposit, within how much period they will deposit. Merely because this information will be given, it does not mean that the Court has condoned the default, if it is already there.

03] The matter be kept after two weeks.

JUDGE

**sandesh*