

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.4072 OF 2021
IN RC/90/2019 WITH CA/4070/2021 IN RC/90/2019 WITH CA/
4071/2021 IN RC/90/2019 WITH CA/4069/2021 IN
RC/90/2019 WITH CA/4068/2021 IN RC/90/2019**

**SUBHASH KARBHARI AHER
VERSUS
PANDHARINATH TUKARAM AHER AND OTHERS**

Mr. A. M. Hajare, Advocate h/f Mr. A. B. Kale, Advocate for the applicant

**CORAM : R. M. JOSHI, J.
DATE : 28th APRIL, 2023**

P.C. :-

1. This application is for condonation of delay of 534 days in preferring application for restoration of Second Appeal (ST) No. 17351/2016 along with Civil application Nos. 16727/2016 and 16728/2016.
2. It is the contention of the applicant that he could not get information in time with regard to the deceased respondent and thereafter on account of Covid-19 Pandemic no immediate steps could be taken.
3. The respondents are duly served with the notice in this civil application, have failed to appear to oppose the same.

4. Applicant has given reasonable justification for not preferring the application in time for restoration of second appeal. Applicant could not have gained anything by not preferring an application in time. In the interest of justice application is allowed in terms of prayer clauses 'B' and 'C' . The Second Appeal (ST) No. 17351/2016 and Civil Application Nos. 16727/2016 and 16728/2016 are restored at the stage of its dismissal.

5. The applicant is directed to take necessary steps within a period of eight (08) weeks. In failure of the applicant to take steps within such time this order shall stand vacated without reference to the Court and application shall be treated as dismissed.

(R. M. JOSHI, J.)

ssp