

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

933 CIVIL APPLICATION NO.8221 OF 2023
IN APPEAL FROM ORDER NO.75 OF 2016

SAU. HIRABAI GOVIND RAJPUT AND OTHERS
VERSUS
SANJAY RAGHUNATH PATIL

...

Advocate for the appellants : Mr.Umesh Gite h/f.
Mr.Mahesh S. Deshmukh
Advocate for Respondent : Mr.M.M.Patil [Beedkar]

...

AND

934. CIVIL APPLICATION NO.8222 OF 2023
IN APPEAL FROM ORDER NO.76 OF 2016

SAU.HIRABAI GOVIND RAJPUT AND OTHERS
VERSUS
SANJAY RAGHUNATH PATIL

...

Advocate for the appellants : Mr.Umesh Gite h/f.
Mr.Mahesh S. Deshmukh
Advocate for Respondent : Mr.M.M.Patil [Beedkar]

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 21.07.2023

P.C. :

1] The present Civil Applications are filed to bring
on record the legal heirs of the deceased appellant no.2,

namely, Govind Raising Rajput, by condoning the delay in filing the present Civil Applications.

2] The learned counsel for the applicants submits that the applicants were not aware about the pendency of the proceedings and that when the Advocate contacted with the applicants in respect of listing of the matter before the Court, then the applicants became aware about the pendency of the matter. The learned counsel for the applicants further submits that due to covid-19 pandemic, and also, unaware about the legal procedure, the delay has occurred in filing the present Civil Applications. Delay caused is not intentional and deliberate act of the applicants. If the delay is not condoned, irreparable loss would be caused to the applicants. The learned counsel for the applicants submits that considering the aforesaid fact, the present Civil Applications may be allowed.

3] The learned counsel for the respondent opposed the present Civil Applications on the ground that explanation given is only as regards the Covid-19 pandemic.

4] For the reasons stated in the Civil Applications, the same are allowed. Delay is condoned. Abatement, if any, is set aside. Accordingly, both Civil Applications are disposed of.

5] Amendment to be carried out within a period of two weeks from today.

6] List Appeal from Order Nos.75/2016 and 76/2016 on 8th September, 2023.

[ARUN R. PEDNEKER]
JUDGE

DDC