

Harish

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

**INTERIM APPLICATION NO. 257 OF 2021
IN
CIVIL REVISION APPLICATION (ST) NO. 336 OF 2021**

Pradeep Kumar Lalit Kumar Pandya ...Applicant

Versus

Harisingh J. Kapadia

(Deceased) Thr. Lrs.

Ruxmani Harisingh Kapadia & Ors. ...Respondents

Mr. Pradeep Kumar Lalit Kumar Pandya, Applicant in-person
present in Court.

Ms. Rhia Mehta a/w Suraj Shah & Prabha Rathod, for
Respondent Nos. 1a & 1b.

Mr. Atul Damle, Senior Advocate, Amicus Curiae.

CORAM : MADHAV J. JAMDAR, J.

DATE : 21st April, 2023

P.C.:

1. Heard Mr. Damle, learned Senior counsel appointed as Amicus Curiae and Ms. Mehta, learned counsel appearing for the Respondents.

2. The Interim Applications is seeking condonation of delay in filing Civil Revision Application. The order of the learned First Appellate Court is dated 10th December, 2019 and the Applicant initially filed Review Petition before the learned Appellate Court

of the Small Causes after delay of 66 days. The said Review Petition was dismissed on 17th October, 2020 and thereafter, the present Civil Revision Application along with Interim Application seeking delay condonation has been filed.

3. The Supreme court due to Covid Pandemic suspended the limitation period from 15th March, 2020 to 28th February, 2022. The dismissal of the Review Petition as well as filing of this Revision Application alongwith Delay Condonation Application took place during the said period.

4. The delay which has occurred is explained in paragraph No. 6 of the present Interim Application. In paragraph No. 6 of the Application various health issues which the Applicant is facing are set out. The Applicant who is present in Court states that, he is suffering from Cancer, Diabetic Neuropathy, Severe Canal Stenosis of L5/S7 of Spine and Static Nerve Compression.

5. Ms. Mehta, learned counsel appearing for the Respondents has mainly relied on the Order of the learned Appellate Court passed in Marji Application No. 83 of 2020 in Review Petition Stamp No. 382 of 2020 by which the delay condonation application was rejected.

6. However, sufficient reasons are set out in the Interim Application and therefore, the same is allowed in terms of prayer

clause (a).

7. The Interim Application is disposed of in above terms with no order as to costs.

8. This Court places on record gratitude to Mr. Atul Damle, Senior Advocate, learned Amicus Curiae.

(MADHAV J. JAMDAR, J.)