

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

**CIVIL APPLICATION NO.2062 OF 2018
IN
FIRST APPEAL (ST.) NO. 5495 OF 2019**

Sunil Vishwanath Sannake & Ors. .. Applicants

Vs.

Dattaram Atmaram Sannake & Anr. .. Respondents

.....
Mr. Pankaj Vijayan i/b Intralegal for the applicants

Mr. Santosh Parad for the respondent – MCGM

.....
.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 12th APRIL, 2023

P.C.

1. Despite due service upon the legal heirs of the deceased respondent, none present.
2. Heard learned Counsel for the applicants.
3. A delay of 1 year and 10 days has occurred in preferring the appeal. The principal reason assigned by the learned Counsel for the applicants is that the deceased respondent was advised six

months rest by the doctors and, therefore, he could not contact his lawyer. The applicant who was not active for further period of six months and ultimately expired on 1st February, 2019.

4. Learned Counsel for the respondent – Corporation objects the prayer of condoning the delay. However, the reasons assigned for the delay are sufficient to condone the delay which has occurred.

5. As such, the application is allowed in terms of prayer clause

(a). The delay stands condoned.

6. The application stands disposed of.

7. Registry to number the appeal.

(PRITHVIRAJ K. CHAVAN, J.)