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

**INTERIM APPLICATION NO. 12 OF 2021
IN
SECOND APPEAL (ST) NO. 92614 OF 2020**

Chandrasen s/o. Apparao Patil & Ors. ...Applicants
Versus
Himmatrao s/o. Dondiram Bhosale ...Respondent

Mr. Y. G. Thorat, i/b. Mr. A. B. Tajane, for the Applicants.

Mr. S. S. Chaudhari, for the Respondent.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 9th AUGUST 2023**

P.C. :

1. This Interim Application is taken out for condonation of 630 days delay in filing the Second Appeal.
2. The order of the learned First Appellate Court is dated 27th August 2018 and the Appeal along with delay condonation application has been filed on 27th August 2020. The Applicants in the Interim Application have stated that Applicant No.1 is old person of 85 years and he looks after the present case since filing of the suit and due to his old age and due to COVID-19 pandemic, he could not travel. It is further stated that the

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Applicants are agriculturists and poor persons and due to their poor economical condition, they could not approach the Court for filing the Second Appeal. It is further stated that with great difficulty they have arranged the amount required for filing of the Appeal as well as for expenses from their relatives, which took time. It is also stated that in the meanwhile, lockdown was imposed and after relaxation in the lockdown, immediately steps were taken. It is further stated that excluding the period of lockdown, there is delay of 478 days in filing the Second Appeal.

3. Learned counsel appearing for the Respondent has filed affidavit-in-reply. However, except denial and contention that the explanations given are casual explanations, there is nothing in the reply, which will show that the delay is willful and deliberate.

4. Therefore, for the reasons set out in the Interim Application, the same is allowed in terms of prayer clause (a).

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

[MADHAV J. JAMDAR, J.]