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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4127 OF 2023

IN

SECOND APPEAL (ST) NO. 23370 OF 2022

WITH

INTERIM APPLICATION NO. 4130 OF 2023

IN

SECOND APPEAL(ST) NO. 23370 OF 2022

Vasant Tukaram Patil and Ors

.....Applicants

Vs.

Sou Pushpa @ Rajakka Patangrao Patil and Ors

.....Respondents

Mr. Bhushan Walimbe, Advocate for the Applicants.

Mr. Pratap Patel, Advocate for the Respondent No.1.

CORAM : GAURI GODSE, J.

DATE : 14th JUNE, 2023

P.C.

INTERIM APPLICATION NO. 4130 OF 2023

1. This application is for condonation of delay of 1 year and 195 days in filing the Second Appeal. Learned counsel for the Applicants submits that after excluding the delay during the Covid-19 period as exempted by the Hon'ble Supreme Court, there is a delay of 113 days. He submits that the reason for the

delay is explained in paragraph 10 of the application. He submitted that the Applicants are villagers staying in remote place and hence time was required to take steps to file Second Appeal within the stipulated period. He, therefore, submitted that the delay may be condoned.

2. Learned counsel appearing for Respondent No. 1, who is the Plaintiff and contesting Respondent, submits that the reasons given are vague and not justifiable. He submits that though the reasons of Covid-19 period is given in the application, the applicants have deliberately filed Appeal beyond the period of limitation to obstruct execution. I have perused the application, the reasons given in the application are justifiable and condonable. For the reasons stated in the application, the delay in filing the second appeal is condoned, and the application is allowed.

3. Office is directed to register the Second Appeal and list the matter for admission.

[GAURI GODSE, J.]