

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

**INTERIM APPLICATION NO. 3657 OF 2023
IN
SECOND APPEAL (ST.) NO. 31992 OF 2022
WITH
SECOND APPEAL (ST.) NO. 31992 OF 2022**

Abhiman Rambhau Pawar (since
deceased through legal heirs) :
Manjulabai Abhiman Pawar and ors.
v/s.

.... Applicants

Jayprakash Narayan Yeola (since
deceased through legal heirs) :
Durga Jayprakash Yeola and ors.

.... Respondents

Mr. Mufeez Ansari a/w. Ms. Ankita Hajare and Mr. J.D. Khairnar
for the Applicants.

Mr. Kush M. Lahankar i/b. Mr. S.R. Ganbavale for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th OCTOBER, 2023.

P. C. :-

ORDER IN INTERIM APPLICATION NO. 3657 OF 2023 :-

. By this Application, the Applicants seek to condone the delay in filing the Second Appeal against the order dated 14/02/2020 passed by the District Judge, Malegaon, rejecting the Civil Miscellaneous Application No.03/2018 filed under section 5 of the Limitation Act.

2. The records reveal that the Applicants had challenged the said order in Writ Petition No.10884/2022. Due to the lockdown declared

due to the outbreak of Covid-19 pandemic, the delay in filing the Writ Petition was condoned.

3. By order dated 26/09/2022, the Applicants were permitted to withdraw the said Writ Petition with liberty to file the second appeal. Pursuant to the said order, the Applicants have filed the second appeal on 17/12/2022 along with the Application to condone the delay of 02 years and 91 days.

4. As noted above, the lockdown was declared immediately after the impugned order dated 14/02/2020. The Petitioner had wrongly challenged the said order in Writ Petition No.7/2022. The delay in filing the Writ Petition was condoned. Considering this aspect and considering the reasons stated in the application which in my considered view, constitute sufficient ground, the delay is condoned. Appeal be registered after removal of office objections, if any.

5 Interim Application stands disposed of.

ORDER IN SECOND APPEAL (ST.) NO. 31992 OF 2022 :-

6. The delay is condoned in view of the order passed in Interim Application No.3657/2023. Appeal be registered after removal of

office objections, if any. Mr. Kush Lahankar, learned counsel waives service on behalf of the Respondents.

7. Stand over to **23/10/2023**.

PREETI
HEERO
JAYANI

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Date:
2023.10.19
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(SMT. ANUJA PRABHUDESSAI, J.)