

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

...
CIVIL APPLICATION (S) NO.174/2021
IN
SECOND APPEAL (ST) 1328/2021

Prabha @ Ratnaprabha Mahadeo Kadukar

Died: Through LRs

..Applicant /s

versus

Shriram Mahadev Kadukar (Died)

Through LRs and others

..Respondents

.....
Mrs.S.W.Deshpande, Advocate for the applicants

Mr.Chaitanya Kulkarni, Adv. for Res.No.1(a)
.....

CORAM: ANIL L. PANSARE, J.

DATED : 17th July, 2023.

PC:

Heard.

By the present application, the applicants are seeking to condone the delay of 528 days in filing the appeal against the judgment and decree dated 13th May 2019 passed by learned District Judge, Amravati in RCA No.88/2015.

The learned counsel for the applicant submits that the appellant who was the original defendant no.2 was not keeping well and ultimately expired on 4th October,2019. His legal representatives then were in the process of collecting documents and consulting their counsel. However, in the meanwhile, the COVID 19 pandemic had outbreaked and thus the legal representatives were prevented from filing the Second Appeal.

The learned counsel for the non-applicant/Respondent No.1(a) submits that the original defendant no.2 had expired on 4th

October,2019 and COVID 19 pandemic struck in March 2020. The application is silent as to what were the applicants doing for five months.

These submissions are contrary to what has been pleaded by the applicants. According to the applicants, they were in the process of collecting necessary papers and consulting the counsel.

In view of the above and for the reasons set out in the application, the Application is allowed as prayed for. The Second Appeal be registered and processed in accordance with the Rules.

[ANIL L. PANSARE, J.]

sahare