

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (F) NO. 1662 OF 2021

IN

FIRST APPEAL (STAMP) NO. 3826 OF 2021

SHRI SAHADEO S/O BAPUJI AMBONE AND OTHERS

VS

THE STATE OF MAHARASHTRA THROUGH THE DISTRICT COLLECTOR, NAGPUR AND OTHERS

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S. N. Nandeshwar, Advocate for appellants.
Ms. Trupti Udeshi, AGP for respondent Nos.1 and 2.
Mr. M. A. Kadu, Advocate for respondent No.3.

CORAM : URMILA JOSHI-PHALKE J.

DATE : 03/02/2023

By this application, the applicants are seeking condonation of delay which is caused in filing the present appeal against the judgment and Award passed by the Civil Judge Senior Division, Umrer.

2. As per the contention of the appellants that the appellant No.1 is old aged person i.e. senior citizen, therefore, he is unable to pursue the legal remedy. The legal heirs of appellant No.2 are dependents upon the appellant No.1 and therefore they could not contact their counsel. Moreover, due to COVID-19 pandemic situation, the appellant No.1

who is a senior citizen could not move from one place to another and hence, delay is caused.

3. The said application is opposed by the respondent on the ground the delay is not properly explained.

4. Heard both the sides. Perused the application. It is apparent that applicant No.1 is old aged person. Moreover, at the relevant time there was COVID-19 pandemic situation. Considering the reasons mentioned in the application, the application deserve to be allowed.

5. The delay of 816 days caused in filing the appeal is hereby condoned subject to the applicants shall not be entitled for the interest for delayed period.

6. Application is disposed of. Appeal be registered accordingly.

FIRST APPEAL NO. _____ OF 2023

Heard.

2. **Admit.**

3. Call for record and proceedings.
4. Ms.Trupti Udeshi, learned AGP waives service of notice on behalf of the respondent Nos.1 and 2. Mr.Mangesh Kadu, learned Advocate waives service of notice on behalf of respondent No.3.
5. The appellant to file paper book within eight weeks from today.

[URMILA JOSHI-PHALKE J.]