



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

...
CIVIL APPLICATION (S) NO. 864/2021
IN
SECOND APPEAL (ST) NO. 13683/2021

Laxman Narayan Gawai

Through LRs: Smt. Bhiku Gawai & others

..Applicant /s

versus

Sakharam s/o Narayan Gawai and others

..Respondent/s

.....
Mr. A.Shitut, Adv.for applicants

Respondents absent though served.
.....

CORAM: ANIL L. PANSARE, J.

DATED: 19th August,2023.

PC:

Leave to amend is granted. The amendment be carried out forthwith.

2. By the present Application, the applicants are seeking to condone the delay of 133 days in filing the Appeal, against the judgment and decree passed by the first Appellate Court.

3. The learned counsel for the applicants submit that the applicants are the legal representative of the original plaintiff. During his lifetime, the original plaintiff used to look after the litigation. The applicants were unaware of the litigation. Their father expired on 12.06.2021 during the second of wave of COVID-19 pandemic. The applicants thereafter gathered the information, collected the documents and filed the Application immediately.

4. The non-applicants though served are absent and, as such, there is no opposition to the averments made by the applicants on oath in the Application.

5. In view thereof and for the reasons set out in the Application, the Civil Application is allowed, as prayed.

The Second Appeal be registered and processed in accordance with the Rules.

[ANIL L. PANSARE, J.]

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