

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

CIVIL APPLICATION (CAA) NO. 70/2019 IN
APPEAL AGAINST ORDER STAMP NO. 17694/2019

Smt. Chandrabai W/o Shamrao Bairam (Dead) Keshao S/o Shyamrao Bairam (Dead) through
L.Rs. Ranjan Keshao Bairam and others

Vs.

Viththal S/o Namdeo alias Mukka Bairam (Nikhar) and others

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

Court's or Judge's orders

Shri PA. Markandeywar, Advocate for appellants
Shri R.D. Murkute, Advocate for respondent Nos 6 and 7(i) to 7(iii)

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 23/02/2023

Present application is filed for condonation of delay in filing present appeal against order. The learned Counsel for the appellant submits that appellant therein who was looking after the matter and was conversant with the facts of the case since 1993, met with an accident on 01/07/2019 and was bed ridden. In view of this, there is delay of 60 days in filing appeal.

2. The learned Counsel for respondent vehemently opposed the application on the ground that other appellants were on record and they could have easily challenged the order by filing Appeal Against order.

3. Learned Counsel for appellant submitted medical certificate across the bar. He is directed to file the same in the office along with pursis.

4. Though from medical certificate, it appears that appellant Deorao was not in a condition to move application, however other appellants were there. Still to grant fair opportunity, I am inclined to allow the application, subject to costs.

5. The delay in filing Appeal Against Order is hereby condoned, subject to costs of Rs.1000/-, to be paid to the legal representatives of respondent Nos. 5 and 7 and respondent No.6 within a period of two weeks.

6. Registry is directed to register the Appeal Against Order, after deposit of costs.

(SMT. M.S. JAWALKAR, J.)