

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

CIVIL APPLICATION (CAS) NO.1298/2023
IN
SECOND APPEAL NO.36/2014

Ramdas Krushnaji Uge

Vs.

Sanjay Tukaram Besekar

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

Court's or Judge's orders

 Shri Aniket Rangari, Advocate h/f Shri Amol Mardikar,
 Advocate for appellant
 Shri A.K. Choube, Advocate for respondent

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 05/10/2023

The present application is filed by the legal representatives of appellant for condonation of delay and setting aside the abatement. There is delay of 715 days in preferring the present application for setting aside the abatement. In view of order passed by the Hon'ble Apex Court in Suo Motu Writ Petition (C) No.03/2020, the period has extended during COVID-19 Pandemic. The period from 30/04/2021 till 28/02/2022 is excluded for the purpose of limitation. The Hon'ble Supreme Court further directed that in cases where the limitation would have expired during the period between 15/03/2020 till 28/02/2022, notwithstanding the actual balance period of limitation period of 90 days from 01/03/2022. The said 90 days from 01/03/2022 would be over on 29/05/2022.

2. As legal representatives are illiterate persons and looking to the unawareness of the appropriate steps to be taken, the delay has been caused.

3. Though, the application is opposed, as right to sue survive, I am inclined to allow the application. Accordingly the delay is hereby condoned.

4. The abatement is set aside.

5. The application stands disposed of accordingly.

CIVIL APPLICATION (CAS) NO.1299/2023

1. The present application is filed for condonation of delay in bringing legal representatives on record.

2. For the reasons mentioned in Civil Application (CAS) No.1298/2023, the application is allowed.

3. The delay in filing application for bringing legal representatives on record is condoned.

4. The application stands disposed of accordingly.

CIVIL APPLICATION (CAS) NO.1300/2023

1. The present application is filed for bringing the legal representatives of appellant on record. The names of legal representatives of appellant mentioned in paragraph No.2 of the application. As such, the application is allowed.

2. The applicants are permitted to substitute their names in place of appellant.
3. Necessary amendment to be carried out within a period of two weeks.
4. The application stands disposed of accordingly.

JUDGE

R.S. Sahare