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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 380 OF 2022
IN
SECOND APPEAL (ST) NO. 2377 OF 2021**

Dattatray Vithal Markad and Ors ... Applicants

vs.

Dhondabai Babasaheb Markad(Dead Abated)
Pradip Devidas Markad and Ors ... Respondents

Mr. Shardul Diwan i/b. Mr. Rahul Kadam for Applicants.

Mr. Vedant Bende h/f. Mr. Omkar Mane, for Respondent Nos. 2 to 4.

CORAM : GAURI GODSE, J.

DATED : 11th OCTOBER 2024

ORDER:

1. This application is for condonation of delay of 604 days in filing the application. Learned counsel for the appellant submits that the reasons for the delay and the steps taken to file appeal are explained in paragraph nos. 6 to 13 of the application.

2. Learned counsel for the applicants submits that after receipt of the certified copy, the advocate whom they all approached was unwell. Hence, they were required to take steps with the help of

other relatives in Mumbai to file appeal. He submits that applicant no.1 is a senior citizen who is looking after the entire litigation and the other applicants were unaware of the same. He submits that due to Covid-19 pandemic, the applicants faced difficulties and hence, there is a delay in filing the application.

3. The respondents are served and are represented through advocate. Learned counsel for the respondents submits that vague reasons are mentioned in the application, and the same are not justifiable. He submits that the applicants have given reasons of Covid-19 pandemic, however, the applicants have not taken any steps thereafter, to file the appeal within time.

4. I have perused the application. The reasons submitted by the learned counsel for the applicants are explained in detail in the application. The applicants have also explained in detail the steps taken to file the second appeal. I do not see any reason to disbelieve the grounds raised for condonation of delay. Hence, for the reasons stated in the application, delay is condoned and the application is allowed in terms of prayer clause(a).

5. Office is directed to register the second appeal and list it for 'admission' on 17th January 2025.

(GAURI GODSE, J.)