

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.289 OF 2023

IN

FIRST APPEAL (ST) NO.28742 OF 2022

B. K. Pangare

: Applicant

Vs.

Chandan Tandel

: Respondent

Adv. Abhishek Bhandari a/w Adv. Manasi C. Pandit i/by Esha Singh
Bhadoria, for the Applicant/Orig. Defendant.

Adv. Saeed Kadu, for the Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 11TH MARCH, 2024

PC. :

1. This Application is filed for condonation of delay of 1321 days caused in filing the First Appeal. In the Application delay shown is only 450 days. The impugned Judgment dated 13th March, 2019, it is stated that the Applicant was in hospital for some period and he could not get even knowledge of the judgment & decree. At the end of 2019 he came to know about passing of the decree. However soon thereafter because of Covid-19 Pandemic, he could not immediately contact his lawyer. After certain relaxations from the national lock-down he applied for certified copy on 15th November, 2022 and on the same date he

received the certified copy. Thereafter the Application is filed on 21st November, 2023.

2. Learned Advocate for the Applicant argues that, the delay is without any intention. There is a money decree passed against him. He is not to get any benefit out of the delay. The Applicant is age old person. It is for this reason, he could not take timely after getting the knowledge. As on today no execution is filed.

3. Learned Advocate for the opponent opposes the Application vehemently. He submitted that the medical paper does not show that the Applicant was actually prevented from filing the Application. In the alternative he prays that the Applicant be put to some costs. Considering though the Application is opposed for the reasons discussed above, this Court is inclined to allow the Application for delay subject to cost of Rs.25,000/- to be deposited in the office of this Court within a period of two weeks from today. Subject to deposit of the amount delay stands condoned.

4. Application is allowed and is disposed of.

(KISHORE C. SANT, J.)