

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

CIVIL APPLICATION (CAF) NO.763 OF 2021 IN
FIRST APPEAL STAMP NO.3922 OF 2021

Smt. Durgakka Wd/o Malayya Yerolla and others
Vs.

Venkateshwarrao Laxman Sakanalwar and another

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

Court's or Judge's orders.

Shri P.P. Penkde, Advocate for applicants.
Shri B.P. Bhatt, Advocate for non-applicants.

CORAM : M.W. CHANDWANI, J.
DATE : 23.08.2024.

By the present application, the applicant is seeking condonation of delay of 727 days in preferring the appeal.

2. The award came to be passed on 30.11.2018. First appeal ought to have been filed on or before 01.01.2019 however appeal appears to be filed on 02.03.2021.

3. The contention is that applicants were of distressed on account of death of Malaya Yerolla on whom they were dependents and they had some financial difficulty. Therefore, they could not prefer the appeal within time. When amount of award was disbursed in favour of the applicants, on 10.12.2020, the applicants started preferring appeal.

4. It is matter of record that the Supreme Court has

directed to exclude the period between March 2020 to February, 2022 on account of Covid-19 pandemic. Infact, there is delay about 14 months before Covid-19 pandemic started in the country. The fact remains that amount of award received on 10.12.2020. Therefore, a case is made out for condonation of delay. Hence, the delay in filing the appeal is hereby condoned. Appeal be registered.

5. Application stands disposed of.

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6. Heard.

7. Issue notice for final disposal at admission stage to the respondents, returnable within three weeks.

8. Shri B.P. Bhatt, learned counsel waives notice on behalf of respondent nos.2.

JUDGE

Wagh