



-1432-2023

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

CIVIL APPLICATION (F) NO. 1432 OF 2023

IN FIRST APPEAL ST. NO. 9277 OF 2021

(Suresh s/o Pralhad Talware Vs. The State of Maharashtra & Ors.)

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

Court's or Judge's orders.

Shri N.M. Kolhe, Counsel for the applicant/appellant.
Ms H.S. Dhande, A.G.P. for respondent nos. 1 and 2.
Shri Santosh Nimje h/f Shri Neelesh Gaidhane, Counsel
for respondent no.3.

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CORAM : ANIL L. PANSARE, J.
JANUARY 3, 2024.

By the present application, the applicant is seeking to condone delay of 460 days in preferring present appeal.

2] Heard for some time. It appears that neither the applicant nor the respondents are aware of the judgment passed by the Hon'ble Supreme Court in Suo Motu Writ Petition (C) No. 3/2020, wherein the Supreme Court has held that for the purpose of Limitation Act, the delay for the period from 15/3/2020 to 28/2/2022 shall be excluded.

3] The judgment under question, which has been challenged is dated 4/2/2020. The period for filing the appeal is 90 days, which comes to 6/5/2020. As stated above, the period from 15/3/2020 to 28/2/2022 has been excluded, meaning thereby the appeal filed by the appellant on 6/8/2021 is well within limitation.

4] In view thereof, the application is allowed.

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5] Appeal be registered.

6] Issue notice to the respondents.

7] The learned A.G.P waives notice for respondent nos. 1 and 2.

8] Shri Santosh Nimje h/f Shri Neelesh Gaidhane, learned Counsel waives notice for respondent no.3.

9] The parties are put to notice that the appeal may be taken-up for final hearing at the stage of admission. The parties are at liberty to file compilation of documents which they intend to rely upon.

10] In the meantime, call R and P

11] List the matter in the week commencing from 5/2/2024.

(ANIL L. PANSARE, J.)

Sumit