



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

CIVIL APPLICATION [CAF] NO.150 OF 2024

IN

FIRST APPEAL ST. NO.23028 OF 2023

[Smt. Dnyaneshwari w/o Ramchandra Manwar and others .vs. Ramesh s/o Sudhakar Patil and others]

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

Court's or Judge's orders

 Mr. A.V. Wankhede, Advocate for Appellants.
 Ms. Sonal P. Wankhede, Advocate for Respondent Nos.5, 6 & 7.

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 2nd DECEMBER, 2024.

1. This is an application for condonation of delay of 1834 days caused for filing the first appeal.
2. Perused the application.
3. Heard the learned advocates for both the sides.
4. Learned advocate for the applicants pointed out that the applicants are poor and due to outbreak of the COVID-19, the financial condition of the applicants is hindered and, therefore, they could not approach to this court for filing the appeal within a period of limitation.
5. Learned advocate for respondent nos.5, 6 and 7 strongly opposed the application and submitted that there is no sufficient ground to condone the delay as contemplated by Section 5 of the Limitation Act, 1963.
6. Considering the reasons of poor financial condition of the applicants and outbreak of the COVID-19, the delay is caused. These two reasons are sufficient reasons for condonation of delay as contemplated by Section 5 of the Limitation Act, 1963. However, considering the financial

condition of the applicants and as the delay is not deliberately caused, the application deserves to be allowed. The application is allowed and disposed.

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1. Heard.
2. Issue notice to the respondents, returnable after six weeks.
3. Ms. Sonal P. Wankhede, learned advocate waives notice for respondent nos.5, 6 and 7.
4. Call for record and proceedings.
5. Stand over after six weeks.

(SANJAY A. DESHMUKH, J.)