



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

CIVIL APPLICATION (CAF) NO. 1580 OF 2024
IN
FIRST APPEAL NO. 823 OF 2012

KESHAVRAO S/O SAKHARAM CHOPDE
Vrs.
THE STATE OF MAHARASHTRA AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri C. R. Najbile, Advocate for appellant.
Shri M.A.Kadu, AGP for respondent Nos.1 to 3.

CORAM: SANJAY A. DESHMUKH, J.
DATE : 01/07/2024.

1. This is an application for condonation of delay of 1388 days in filing the application for setting aside abatement and bringing legal heirs of appellant on record.
2. Heard learned Advocates for both sides.
3. Learned AGP for respondent Nos.1 to 3 strongly objected.
4. Considering the peculiar set of facts and grounds raised in the appeal, application for condonation of delay is allowed, in the interest of justice.
5. During the covid period, appellant died. The appeal was filed within limitation. Delay is not caused deliberately. Therefore, benefit of interest cannot be excluded, in view of decision in the case of **New Okhla Industrial Development Authority v. Rameshwar @**

Ramesh Chandra Sharma (Dead), through Legal Heir and another (2022 SCC Online SC 1599).

6. The application is disposed of.

[SANJAY A. DESHMUKH, J.]

Choulwar