



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

CIVIL APPLICATION (CAF) NO. 2451 OF 2024
IN
FIRST APPEAL ST. NO.11060 OF 2024

VIDYA WD/O SURESH CHAUDHARI AND OTHERS
Vrs.
UNION OF INDIA

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

Court's or Judge's Order

Ms. Sumesh Chaudhari, Advocate for applicants/appellants.
Ms. Neerja Chaubey, Advocate for respondent-sole.

CORAM: SANJAY A. DESHMUKH, J.
DATE : 04/09/2024.

1. Issue notice to the respondents.
2. Ms. Neerja Chaubey, learned advocate waives service of notice for respondent.
3. Perused the application.
4. Heard learned Advocates for both sides.
5. Learned counsel for the respondent has strongly opposed the application.
6. The applicants are poor and financially weak. Therefore, they could not proceed further for filing the appeal.
7. Delay of 622 days is not deliberately caused as stated in the application. Such applications are to be considered liberally in view of Judgment of Hon'ble Supreme Court in the case of **Vedabai alias Vijayantabai Baburao Patil Vrs. Shantaram Baburao Patil and others,**

reported in (2001) 9 SCC 106. Relevant portion of this Judgment is reproduced as under :-

"In exercising discretion under Section 5 of the Limitation Act the Courts should adopt a pragmatic approach. A distinction must be made between a case where the delay is inordinate and a case where the delay is of a few days. Whereas in the former case the consideration of prejudice to the other side will be a relevant factor so the case calls for a more cautious approach but in the latter case no such consideration may arise and such a case deserves a liberal approach. No hard and fast rule can be laid down in this regard. The Court has to exercise the discretion on the facts of each case keeping in mind that in construing the expression "sufficient cause", the principle of advancing substantial justice is of prime importance."

8. Therefore, application deserves to be allowed in the interest of justice. Hence, the following order :-

- i] Delay of 622 days caused for filing the appeal is condoned.
- ii] Application is allowed and disposed of.

FIRST APPEAL ST. NO.11060 OF 2024

9. Issue notice to the respondent.

10. **Admit.**

11. Ms. Neerja Chaubey, learned counsel waives service of notice for respondent-sole.
12. Call for Record and Proceedings.
13. Filing of paper book is dispensed with.
14. Stand over to **18/09/2024 at 2.30 p.m.**

[SANJAY A. DESHMUKH, J.]

Choulwar