IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11107 OF 2025
WITH
INTERIM APPLICATION NO. 11109 OF 2025
WITH
INTERIM APPLICATION NO. 11108 OF 2025
IN
SECOND APPEAL (ST) NO. 23641 OF 2025

Balu Vishnu Gore (Decd.) Thr. Lrs.
Mrs. Sharda Balu Gore & Ors. **... Applicants**

Versus

Suman Ramchandra Gavate & Ors. **... Respondents**

Mr. Vikas B. Shivarkar *for the Applicants.*
Mr. Abhijeet V. Jangale *for Respondent Nos. 1 & 2.*

CORAM : SANDEEP V. MARNE, J.
DATE : 8 OCTOBER 2026.

P.C. :

1) The Interim Application is filed seeking condonation of delay of 2118 days in filing the Appeal.

2) I have heard Mr. Shivarkar, the learned counsel appearing for the Applicants and Mr. Jangale, the learned counsel appearing for

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Respondent Nos. 1 and 2 and have considered the submissions canvassed by them.

3) The decree of the First Appellate Court is passed on 21 June 2019. According to the Appellants, Appellant No.1 expired on 8 September 2019. It is contended that thereafter, due to Covid-19 pandemic, the Appeal could not be filed. So far as the period after lifting of pandemic restriction is concerned, it is sought to be contended that wife of Appellant No.3 was suffering from knee aliments and was bedridden and therefore the delay in filing the Appeal has occurred.

4) I find it difficult to accept the above justification for condonation of delay of over five long years. The decree of the First Appellate Court was passed on 21 June 2019 i.e. about nine months before the advent of Covid-19 pandemic. Even if the death of Appellant No.1 on 8 September 2019 is taken into consideration, there is no proper justification as to why the Appeal was not lodged till 15 March 2020, when Covid-19 restrictions came into play. All the Covid-19 restrictions were removed on 28 February 2022. However, for next more than three long years the Appellants remained negligent and did not file the Appeal. The pretext of wife of Appellant No.3 suffering from knee aliments cannot be accepted for condoning delay of more than three years after lifting of Covid-19 restrictions. More importantly, no medical certificate is produced alongwith the application to establish that knee aliment of wife of Appellant No.3 is to such an extent that the same rendered filing of the Appeal impossible.

5) In my view, therefore, there is no proper justification for inordinate delay of 2118 days. In that view of the matter, Interim Application is **dismissed**, and consequently the Second Appeal is also **dismissed.**

6) In view of dismissal of Second Appeal, all pending Interim Applications are **disposed of**.

[SANDEEP V. MARNE, J.]