

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

C.A.F. NO. 1417/14 IN FIRST APPEAL ST. NO. 2278 OF 2014
M/s. V.I.D.C., through its Executive Engineer, Ambadi .vs. Shri Dharamraj D.
Revatkar

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

Mr. Anoop Parihar, Advocate for applicant,
Mr. P.V. Kulkarni, Advocate for respondent.

CORAM : SMT. MRIDULA R. BHATKAR, J.

DATED : FEBRUARY 18, 2015.

The application is moved for condonation of delay of 616 days in filing appeal. The learned Counsel for the applicant/appellant submits that the appeal is filed for recovery of money of Rs.16,08,000/- against the respondent. The appellant is a Government body. He submits that the delay is caused due to gaps in the communication and the administrative lapses. However, the appellant has a good case on merit. He further submits that this being a public undertaking, if the delay is not condoned, the Government will suffer losses, ultimately costing public funds.

The learned Counsel for the respondent opposes the application and pointed out that the execution was taken out by

the respondent, who is the original defendant for recovery of bill of costs as the suit was dismissed with costs. He submitted that bill of costs was paid and as it was satisfied the execution proceedings were concluded. He submits that there is no good ground to condone the delay.

It is true that there is inordinate delay of 616 days in filing the appeal. However, it appears from the submissions and the reasons mentioned therein that the appellant Government undertaking was very slow in taking decision to file an appeal and further steps of moving funds and legal assistance were not quickly taken. Hence, the delay was caused. However, it is ultimately going to be a loss of public money if there are chances of success on merit.

Hence, application for condonation of delay is allowed on condition of payment of costs of Rs.1000/- to the learned Counsel for the respondent within two weeks.

Judge

J.