

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

Civil Application (F) No. 3364 of 2014 in F.A.No./-----/2014

Vidharbha Irrigation Development Corporation, Nagpur vs. Bhagwat s/o
Kundlik Bali and others.

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Mr. V.G.Wankhede, Adv. for the appellant.

Mr. A.M.Jaltare, Adv. for R-1.

Mrs. Rashi Deshpande, AGP for R-2 and 3

CORAM: B.R.GAVAI &

MRS. MRIDULA R. BHATKAR,JJ

DATE : 24.2.2015

This is an application for condonation of delay in
filing appeal. There is 912 days' delay in filing the appeal.

2. No doubt that when the State or its instrumentalities are the appellants, this Court normally takes some liberal view in considering the applications for condonation of delay inasmuch as some time is required to go through the procedural requirement. However, merely because the State or its instrumentality is appellant before the Court, it does not

mean that delay should be condoned merely for asking without there being any sufficient cause shown for condonation of delay.

3. The facts, as appearing in the application, are very glaring. The Judgment is delivered on 10.8.2011. It is stated that same was communicated to the appellant on 21.10.2012. Presumably when the Judgment is delivered as stated in the present application, it is delivered in presence of the counsel for the parties and as such the counsel for the appellant ought to be aware of the said Judgment on 10.8.2011. It is submitted that immediately thereafter the application is filed for certified copy on 22.10.2012. In the perception of the applicant, the period of 1 year, 2 months and 12 days is immediately. It is stated that certified copy was received on 9.1.2013. Thereafter, it was forwarded to the local counsel for his opinion. He took 30 days for giving his opinion. Same was thereafter forwarded to Central Office for advice. No date is mentioned as to when it was forwarded to the Central Office and as to when the Central Office advised to file an appeal. It is stated that thereafter in the month of May, 2013, papers were handed over to the panel counsel. It has been further

stated that however since there was paucity of fund, fees could not be received and that took some time.

4. The statement on affidavit made by the appellant would show that the appellant was travelling at the snail's speed without taking any caution to prevent the delay in filing appeal. In that view of the matter, we do not find that the case is made out for condonation of delay. The application is rejected.

JUDGE

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