

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

CIVIL APPLICATION (CAF) NO.2428 OF 2014
IN
FIRST APPEAL (ST) NO.15512 OF 2014

The Exe. Engineer, Lower Wardha Project Dvn. V.I.D.C. Wardha

-vs-

Taiyab Ali Ahmad Ali & Ors.

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

Court's or Judge's Orders.

Shri S. G. Jagtap, Advocate for appellant.
Shri D. S. Lambat, Advocate for respondent Nos.1 to 3.
Smt. M. N. Hiwase, AGP for respondent Nos.4 and 5.

CORAM : A.S.CHANDURKAR, J.

DATE : APRIL 24, 2015

Prayer is to condone delay in filing the first appeal. Besides the application, an additional Affidavit dated 20/04/2015 has been filed on record. Reasons for said delay are mentioned therein. It is stated that the counsel appearing for the applicant did not inform it about passing of the impugned judgment.

The prayer for condonation of delay is opposed by learned counsel for the applicant by relying upon the judgment of Supreme Court in *Union of India & Ors. V. Nripen Sarma 2013(4) Mh.L.J. 121*. It is submitted that there is no satisfactory explanation for the delay.

Considering the contents of the Affidavit dated 20/04/2015, I am satisfied that a case for condoning delay has been made out. Same is however subject to costs of Rs.2000/- to be paid by the applicant to the non-applicant Nos.1 to 3 within period of four weeks from today.

Civil application is allowed and disposed of in aforesaid terms.

JUDGE