

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

CAF No. 2961 of 2013 In FA (St) No. 22239/13
The State of Maharashtra v. Smt Kanchan and anr

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

Court's or Judge's orders.

Ms A. R. Taywade, AGP for applicant
 Mr V. R. Choudhari, Adv for R-1
 Mr S. S. Bhalerao, adv for R-2

CORAM : A. P. BHANGALE, J

DATED : 24th June 2015

1. Heard learned Assistant Government Pleader and learned counsel for respondents. Perused application and reply filed thereto.

2. Learned counsel for applicant contends that after obtaining certified copy, learned AGP appearing in the claim petition, sent the same to the Commissioner of Police and thereafter communication was sent to the DGP to arrange for award amount to be deposited in the Tribunal in case appeal is to be filed. She submitted that the matter was allotted to AGP, documents were collected and the appeal came to be filed and delay of 198 days has occurred.

2. Learned counsel for respondent no.1 opposed the application. He contends that appellant was aware and conversant with the issue involved

including the prescribed period of limitation for taking up the matter by filing appeal. He submits that merely because the Government or a wing of the Government is a party before the Court, delay should not be mechanically condoned. He pressed into service judgment of the Supreme Court in the case of **State of UP v. Amar Nath Yadav** reported in **2014 (2) All MR 942**.

3. I have perused ruling in *State of UP v. Amar Nath* (supra). In that case, the Apex Court found that there was no proper explanation offered by the Department for the delay except mentioning of various dates and, therefore, the Apex Court refused to condone the delay.

4. However, in the present case, in paragraphs 2, 3 and 4 the applicant-State has set out events in chronology and I find that there was no gross negligence or deliberate inaction or lack of bonafides. Hence, I am of the opinion that a liberal concession has to be adopted to advance substantial justice and for the reasons stated in the application, delay deserves to be condoned.

5. Hence, application is allowed. Delay caused in filing appeal is condoned subject to payment of costs of Rs. 500/- payable to each of the respondents within four weeks from today as a condition precedent.

Application stands disposed of accordingly. Office to register the appeal.

JUDGE

joshi