

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 CIVIL APPLICATION NO. 3577 OF 2016
IN FAST/5876/2016 WITH CA/3580/2016 IN FAST/5918/2016 WITH
CA/3582/2016 IN FAST/5930/2016 WITH CA/3584/2016 IN
FAST/5933/2016 WITH CA/3586/2016 IN FAST/5927/2016 WITH
CA/3589/2016 IN FAST/5924/2016 WITH CA/3591/2016 IN
FAST/5921/2016 WITH CA/3593/2016 IN FAST/5912/2016 WITH
CA/3596/2016 IN FAST/5903/2016 WITH CA/3598/2016 IN
FAST/5915/2016 WITH CA/3600/2016 IN FAST/5882/2016 WITH
CA/3602/2016 IN FAST/5909/2016 WITH CA/3604/2016 IN
FAST/5906/2016 WITH CA/3606/2016 IN FAST/5900/2016 WITH
CA/3608/2016 IN FAST/5879/2016 WITH CA/3610/2016 IN
FAST/5894/2016 WITH CA/3612/2016 IN FAST/5897/2016 WITH
CA/3614/2016 IN FAST/5885/2016 WITH CA/3616/2016 IN
FAST/5888/2016 WITH CA/3618/2016 IN FAST/5891/2016

THE STATE OF MAHARASHTRA AND ANR
VERSUS
MOHAN RAMBHAU KOLHE AND ANR

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Advocate for Applicants : S.N. Morampalle
Advocate for Respondents : Shirsath P.B. For R/1 & 2

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CORAM : P.R. BORA, J.
DATE : 06-10-2016.

Per Court :

1. Delay of 1135 days has occurred in filing the present appeals by the state government. Mr. Morampalle, learned A.G.P. appearing for the state submitted that, in making the procedural compliances and in seeking sanctions at different levels, so also, for procuring the amount of court fee and the relevant copies of the documents, the period was consumed and that is the reason that the appeals could not be filed within the stipulated period of limitation.
2. The learned A.G.P. submitted that, the state has raised

valid grounds in exception to the impugned common judgment and award and, as such, opportunity needs to be extended to the applicant/state to contest the matter on merits. The learned A.G.P., therefore, prayed for allowing the application and thereby to condone the delay which has occasioned in filing the appeals.

3. Mr. Shirsath, the learned counsel who is appearing in all these matters for the original claimants has strongly opposed for condoning the delay. Learned counsel referring to the averments in the application for condonation of delay submitted that, huge delay has been caused in the filing the appeals, the same has not been properly explained and without any just and sufficient reason the delay cannot be condoned. The learned counsel, therefore, prayed for rejecting the applications.

4. After having considered the submissions advanced by the learned counsel appearing for the respective parties, it appears to me that, delay which has been caused has been sufficiently explained. Moreover, the matters are to be decided on merits and not to be thrown on technicalities. I am therefore, inclined to allow the present applications. Moreover, the learned A.G.P. had shown his willingness to immediately proceed with the hearing of the appeals. In the circumstances, the following order is passed.

- i) The applications are allowed.
- ii) The delay caused in filing the appeal is condoned.

iii) Appeal be registered in accordance with law.

iv) Civil Applications for delay stand disposed of.

(P.R. BORA)
JUDGE

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