

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

927 CIVIL APPLICATION NO. 137 OF 2015
IN FAST/18888/2014

MUNICIPAL CORPORATION OF AURANGABAD THR COMMISSIONER
VERSUS
HANUMANDAS MURLIDHAR TAKSALI DECEASED LRS SANJAYKUMARAND
OTHERS

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Advocate for Applicant :Mrs. Deshpande Manjusha A.
AGP for Respondent State: Mr. S. R. Yadav
Advocate for Respondents 2a,2b,4c: Mr. S R Deshpande

CORAM : V. K. JADHAV, J.

DATE : 11th March, 2016

PER COURT :

1. Heard both sides. The learned counsel for the applicant submits that legal department of the applicant sought opinion regarding filing of appeal against the impugned judgment and decree. Thereafter, certain time was required for obtaining administrative approval of the superior authority and on receiving such approval, the papers were forwarded to the Advocate for preferring appeal. However, certified copy retained by the Legal Department was misplaced and the same could not be traced out. The learned counsel submits that because of this, the delay is occurred in filing the appeal.

2. The learned counsel submits that the delay is not intentional and because all these reasons, the appellant was prevented from preferring an appeal within limitation. The learned counsel further submits that the respondents/original claimants have already preferred appeal for enhancement of the compensation amount and the same is pending.

3. Learned counsel appearing for the respondents/original claimants strongly resisted the application. The learned counsel submit that the delay is due to inaction and no proper explanation is given for condonation of the same.

4. This first appeal is preferred against the judgment and award passed by the reference court. The respondents/original claimants have also preferred an appeal for enhancement of the award. There are certain administrative problems which prevented the applicants from filing of an appeal within limitation. I do not find that the delay is intentional one. Thus, in the interest of justice, the delay is required to be condoned. Hence following order is passed:

O R D E R

- i. Civil application is allowed.
- ii. Delay of 601 days in filing of appeal is hereby condoned.
- iii. Civil application is accordingly disposed of.

(V. K. JADHAV, J.)

JPC