

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3581 OF 2001
IN
FIRST APPEAL St. NO.20486 OF 1997**

The State of Maharashtra

..Applicant

Vs.

Shri Sajjan Pandu Wagh & Ors.

..Respondents

Mr. A. R. Patil AGP for the Applicant

Mr. M. B. Deshmukh for the Respondent Nos.1 & 2

CORAM : R. M. SAVANT, J.

DATE : 20th JUNE, 2016

P.C.

1 The above Civil Application has been filed seeking condonation of delay of 586 days in filing the above First Appeal. The reasons for the delay are mentioned in the above Civil Application. The sum and substance of the reasons is that on account of the administrative procedure that was required to be followed that the delay in filing the above First Appeal has occasioned. The Learned Counsel appearing for the Respondent Nos.1 & 2 Mr. Deshmukh opposes the above Civil Application but ultimately leaves it to this Court.

2 It is well settled that in matters of condonation of delay a highly technical and pedantic approach should be eschewed and an approach which furthers the cause of justice should be adopted. In the instant case the Appellant is the State, some indulgence would therefore have to be shown on

account of the fact that the State has to adopt some procedure before a decision is taken to file an Appeal. In my view therefore, the reasons mentioned in the above Civil Application can therefore said to be the plausible reasons for the delay of 586 days occurring in filing of the above First Appeal. No doubt there is a delay of 586 days in filing the above First Appeal but the Respondent Nos.1 and 2 who can be said to be the parties to whom prejudice can be said to be caused, can be compensated by way of costs. Hence accepting the reasons mentioned in the above Civil Application the same is allowed, resultantly the delay of 586 days in filing the above First Appeal stands condoned. In the facts and circumstances of the case, the Applicant / Appellant to pay costs of Rs.3000/- to the Respondent Nos.1 and 2 through the Learned Counsel Mr. Deshmukh within 6 weeks from date. List the First Appeal for admission on 3-8-2016. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]