

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3041 OF 2016

IN

WRIT PETITION NO. 3436 OF 2015

The State of Maharashtra and Another ..Applicants

Vs.

Shri Jagdishsingh A. Rajput and Others ..Respondents

Mr. P. G. Sawant, AGP, for the Applicants.

Mr. R. K. Mendadkar, for the Respondent No.1.

Mr. Yogesh Patil i/b Mr. Vijay Patil, for Respondent No.3.

**CORAM :- S.C. DHARMADHIKARI &
B.P.COLABAWALLA, JJ.**

DATE :- DECEMBER 8, 2016.

P. C.:

Civil Application not on Board. Taken on Board.

2 We have heard Mr. Sawant appearing for the Applicants- State on this Civil Application.

3 The prayer is to dispense with a direction to pay costs which was imposed as condition precedent for enabling filing of the affidavit in reply.

4 The Civil Application admits that from the first date of

hearing i.e. April 2015 till date, no affidavit in reply was filed. There are no reasons much less genuine and bonafide and for this enormous delay. Just as the citizens and litigants blame the Court and the system as a whole for delays, we must enlighten them that the major factor for the same is that the largest litigant before the Court, namely, the State, its entities, its Corporations and Local Authorities do not assist and cooperate with the Court by filing affidavits in reply and producing the records in time. Repeated adjournments are sought and liberally and casually. Since larger public interest is at stake, when the State is the litigant, this Court indulges the Government Pleader and other advocates appearing for the above bodies and grants adjournments somewhat liberally and accommodates them otherwise. The result is that cases against and by the Government remain pending for months, years and decades together. In such circumstances, if we waive the condition imposed, that will send a wrong message and no litigant much less, a private litigant, other than the State, will thereafter take the Court orders and proceedings seriously. Hence, we reject this request.

(B. P. COLABAWALLA, J.) (S. C. DHARMADHIKARI, J.)