

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

CIVIL APPLICATION [F] NO.3203 OF 2016

IN

FIRST APPEAL ST. NO.12292 OF 2016

[Executive Engineer, Yavatmal Project Construction Division, Yavatmal .vrs. Abdul Salim Abdul Razzak and others]

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

Court's or Judge's orders

Shri V.G. Palshikar, Advocate for appellant,
Shri S.V. Ingole, Advocate for respondent no.1,
Shri M.A. Kadu, AGP for respondent nos.2 and 3.

CORAM : Z.A. HAQ, J.

DATED : OCTOBER 10, 2016.

Shri S.V. Ingole puts in appearance *suo motu* for the respondent no.1 and Shri M.A. Kadu, A.G.P. for the respondent nos.2 and 3.

This application is filed praying that delay of 255 days in filing the appeal be condoned, the reason being that the delay has occurred because of administrative reasons. It is submitted that the appeals challenging the awards in connected cases are admitted. It is further submitted that appeal filed by respondent no.1/claimant is pending.

The explanation is given in paragraph two of this application as follows :

“That the judgment was pronounced on 7-7-2015. The standing counsel at Yavatmal applied for certified copy on 23-10-2015 and it was received on 29-10-2015. The Executive Engineer opined to file appeal on 23-12-2015. Thereafter, the appellant referred the matter to the Legal Advisor of V.I.D.C. The Legal Advisor opined to file appeal on 14-1-2016. The Executive Director opined to file appeal on 20-1-2016. Thereafter, all the case papers were submitted to Standing Counsel in February 2016. The Standing Counsel asked for court fee amount in total 3 cases from

appellant on 1-2-2016. The court fee amount was supplied to Standing Counsel on 18-4-2016 by cheque. The reasons for condonation of delay were supplied in April 2016. Thereafter, the appeal is filed after procuring court fees.”

The facts show that the application for obtaining certified copy was made after 90 days i.e. the period prescribed for filing appeal. There is no explanation why the application for obtaining certified copy was not made earlier. Then, at every stage, the matter is dealt at leisure and again there is no explanation why time is consumed at every stage.

In my view, the explanation given on behalf of the appellant for delay is not sufficient. I am conscious that the prayer for condonation of delay should be considered liberally, however, in the facts of the present case, I am not convinced that the delay is required to be condoned.

The Civil Application is dismissed. Consequently, First Appeal St. No.12292/2016 is rejected.

JUDGE

C E R T I F I C A T E

“I certify that this order uploaded is a true and correct copy of original signed order.”

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