

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

964 CIVIL APPLICATION NO. 3364 OF 2017
IN FAST/5419/2017

THE STATE OF MAHARASHTRA THR EXECUTIVE ENGINEER, UPPER
PRAVARA DIV. SANGAMNER
VERSUS
EKNATH DHONDU KIRVE

...

Advocate for Applicant : Mr. Bhalerao Sudhir G.

CORAM : K. L. WADANE, J.

DATE : 6th October, 2017

ORDER:

1. This is an application for condonation of 2761 days delay caused for filing first appeal.

2. Heard Mr. Bhalerao, learned counsel appearing for the applicant/appellant. Though the respondent is served, none present for him.

3. The aforementioned delay is sought to be condoned on the ground that the judgment and Award passed by the Reference Court was not communicated by the Government Pleader to the concerned authority in time. When in the month of December 2016 the claimant/respondent approached to the applicant/appellant and demanded the amount of compensation payable as per the judgment and Award, the concerned authorities reached to the office of the Government

Pleader, but unable to make contact with the then Assistant Government Pleader, who had worked out the matter, therefore resulted into consumption of some time. Some how when the applicant/appellant was able to receive the relevant certified copies which was already obtained by the then Assistant Government Pleader for the purpose of appeal but could not file the appeal, as rights and liabilities are now transferred to the newly formed statutory body i.e. G.M.I.D.C. Aurangabad. Therefore, the Executive Engineer approached to the Executive Director of G.M.I.D.C. Aurangabad for further instructions and the same was transferred to the legal department for certain legal opinion and after taking legal opinion, necessary instructions, appeal came to be filed through the concerned Government Pleader.

4. From the reasons/grounds stated in the application, it appears that, the aforementioned delay has been caused due to the transfer and shifting of the office and for taking legal opinion from the concerned department. The delay caused for filing appeal is reasonably and properly explained. In view of the above, delay caused for filing appeal is condoned.

5. Civil Application is disposed of.

6. In the First Appeal issue notice to the respondent returnable on 15.12.2017.

(K. L. WADANE, J.)

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