

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**946 CIVIL APPLICATION NO. 3553 OF 2014
IN FAST/5387/2014**

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
MAHADU BALI CHAUGULE

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A.G.P. for Applicants/State : Mr. S.R. Yadav
Advocate for Respondents : Mr. N.R. Pawade

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CORAM : K.K. SONAWANE, J.

DATE : 22nd September, 2017

PER COURT :

1. Heard learned A.G.P. for the applicants/
State and learned counsel for the respondents. Perused
the application.

2. This application for condonation of delay is
pending since the year 2014. There is delay of 1297
days for filing First Appeal. Learned A.G.P. submits
that the delay caused in filing the Appeal against the
impugned Judgment and Award is not intentional or

deliberate, but it caused due to compliance of official process. Therefore, he prayed for condonation of delay by adopting the liberal approach.

3. Admittedly, there is delay of 1297 days in filing the appeal. The public fund is involved in this matter. Therefore, I do not find any impediment to condone the delay caused in filing first appeal in the interest of justice. It is settled law that liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the application for condonation of delay. In sequel, the application stands allowed in terms of prayer clause 'B'. Delay caused in filing appeal against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeal. On registration of appeal, re-issue notice to the respondents.

4. Call Record and proceedings from the concerned Reference Court.

5. After compliance of the proper formalities,
place the appeal in due course.

(K.K. SONAWANE, J.)

SRM/22/9/17