

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

989 CIVIL APPLICATION NO. 8751 OF 2013
IN FAST/6223/2013
WITH
CA/8752/2013 IN FAST/6223/2013

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
BABASAHEB GOPA WALUNJ AND OTHERS

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Advocate for Applicants : Mr A M Phule
Advocate for Respondents : R K Temkar For R/1 To 3.

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CORAM : V.K. JADHAV, J.
Dated: July 21, 2017

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PER COURT :-

1. Heard.
2. Learned AGP submits that due to some administrative difficulties, the appeal could not be preferred within a period of limitation. Delay is not intentional one and the applicant State is prevented from sufficient cause to prefer an appeal within limitation.
3. Learned counsel for respondent has resisted the application on the ground that, the delay has not been explained satisfactorily.

4. In view of the above submissions and for the reasons stated in the application, delay caused in filing the appeal is hereby condoned. Civil application is accordingly allowed and disposed of.

5. In appeal, issue notice to the respondents, returnable on 15.9.2017. Call Record and Proceeding.

6. Heard learned counsel for the applicant on stay application. The applicant is ready to deposit the entire amount under the award within 12 (Twelve) weeks from today. Thus, the effect, execution and implementation of the impugned judgment and award is hereby stayed on the condition that, the applicant shall deposit the entire amount covered under award alongwith interest, within 12 (Twelve) weeks from today, in this court, failing which, stay granted by this order, shall stand vacated automatically without further reference to the Court.

7. Civil application for stay accordingly disposed of.

(V.K. JADHAV, J.)

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