

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

38 CIVIL APPLICATION NO. 6337 OF 2013

IN FAST/9254/2013

WITH CA/6335/2013 IN FAST/9219/2013

WITH CA/6339/2013 IN FAST/9257/2013

WITH CA/6341/2013 IN FAST/9251/2013

THE STATE OF MAHARASHTRA AND OTHERS

VERSUS

BHUJANG SITARAM PHAD

...

AGP for Applicants : Mr. B. V. Virde.

Advocate for Respondents : Mr. S. S. Pawar.

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CORAM : **V. K. JADHAV, J.**

DATE : 01st August, 2017.

P.C.:

. The learned AGP submits that due to administrative difficulties, the appeals could not be preferred within the period of limitation. The Law and Judiciary Department has communicated on 6th January, 2010 about filing of the appeals and accordingly, the matters were thereafter, processed for the purpose of drafting and thereafter, the letters were sent on 13th January, 2010 onwards for obtaining the certified copies of the judgments and awards passed by the Reference Court and as such, the delay occurred in filing the appeals. The learned AGP submits that the delay is not deliberate or intentional and the Applicant / State was prevented from sufficient cause to prefer the appeals within the period of limitation.

2 The learned counsel for Respondents / original Claimants submits that though the judgment and awards passed in LAR No.575 of 2003 on 20th March, 2009, the present applications seeking condonation of delay have been filed in the year 2013. Thus, there is an inordinate delay of four years in preferring the appeals. The learned counsel submits that the Applicant / State has not explained the delay satisfactorily and as such, the applications seeking condonation of delay in preferring the appeals are liable to be rejected.

3 In view of the submissions made on behalf of the Applicant / State and for the reasons stated in the applications, in my opinion, the Applicant / State has explained the delay satisfactorily. The Applicant / State was prevented from sufficient cause to prefer the appeals within limitation and the delay is not intentional. In view of the above, the applications are allowed. The delay caused in filing the appeals is hereby condoned. Civil Applications are accordingly disposed of.

4 In appeals, heard. Issue notice to the Respondents. The learned counsel appearing for the Respondents / original Claimants waives the service of notice.

[V. K. JADHAV, J.]