

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

914 CIVIL APPLICATION NO. 4986 OF 2016 IN FAST/10852/2016

THE STATE OF MAHARASHTRA AND ANR
VERSUS
SUBASH SHANKARRAO KADAM (PATIL)

...
AGP for Applicant : Mr. S. R. Yadav-Lonikar.
Advocate for Respondent sole : Mr. Darshan D. Pokharkar .
...

CORAM : K.K. SONAWANE, J.

DATED : 07TH SEPTEMBER, 2017.

Order :-

Heard both sides. Perused the application.

2. This is an application for condonation of 328 days delay caused in preferring the appeal against impugned Judgment and Award of the learned Reference Court. According to learned AGP delay has been caused due to the compliance of official process and it is not intentional and deliberate one, but owing to unavoidable circumstances. Hence, he prayed to condone the delay.

3. Learned counsel for respondent-original claimant raised objection and submits that the delay has not been properly explained, and therefore, shall not be condoned.

4. In view of reasons mentioned in the application, I do not find any impediment to condone the delay in the interest of justice. It is rule of law that while dealing with the applications for condonation of delay, the liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach. The delay caused in filing appeal against the impugned Judgment and Award is hereby condoned. Accordingly, the application for condonation of delay of 328 days for filing First Appeal stands allowed in terms of prayer clause 'B'. Registry to take requisite steps for further process of registration of appeal, etc. Accordingly, Civil Application in above terms stands disposed of.

5. On registration of appeal, appeal 'Admit'.

6. The learned counsel Shri. Pokharkar waives service of notice for sole respondent.

7. The formalities of print, etc. stands dispensed with.

8. List the matter for final hearing on merit.

[K. K. SONAWANE]
JUDGE

rrd.