

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

**CIVIL APPLICATION NO. 10916 OF 2017
IN
FIRST APPEAL STAMP NO. 8075 OF 2012**

Yamunabai Laxman Kamble ...APPLICANT

versus

The State of Maharashtra and others ...RESPONDENTS

...
WITH

**CIVIL APPLICATION NO. 10917 OF 2017
IN
FIRST APPEAL STAMP NO. 8134 OF 2012**

Pandurang Dharuji Kamble and another ...APPLICANTS

versus

The State of Maharashtra and others ...RESPONDENTS

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Mr. Kailas B. Jadhav, Advocate for applicants

Mr. R.B. Bagul, AGP for respondents in C.A. No. No. 10916 of 2017

Mr. C.V. Dharukar, AGP for respondents in C.A. No. 10917 of 2017

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CORAM : K.K. SONAWANE, J.

DATED : 23rd AUGUST, 2017.

Order :-

1. Heard learned counsel for the parties.

2. There is delay of 1727 days in filing the applications for restoration of the first appeals, which came to be dismissed for non removal of office objections within stipulated period. It has been submitted that the advocate of the applicants made endeavour to contact with the applicants, but they are not residing at their permanent addresses and they have to visit various places for doing the labour work, so the delay has been caused. The learned counsel prayed to allow the applications and condone the delay.

3. The learned AGP raised objection and vociferously opposed the contention that even for filing the first appeals there was delay. The applicants had not removed the office objections, as notified by the office for earliest hearing on the application for condonation of delay. Therefore, the circumstances impelled the learned Registrar(Judicial) of this Court to pass the impugned orders. The learned AGP prayed for dismissal of the application.

4. I have given anxious consideration to the submissions canvassed on behalf of both sides. Admittedly, there is delay in filing the appeals against impugned Judgment and Award passed by the learned Reference Court. The applicants failed to remove office objections, as notified by the office. The circumstances impelled the Registrar (Judicial) of this Court to pass order of dismissal of appeals for want of prosecution i.e. non removal of office objections within stipulated period. Moreover, even thereafter the applicants consumed near about 1727 days for further action and after colossal delay of 1727 days filed the present applications for restoration of the appeals to its original stage. I find substance in the submissions advanced on behalf of the learned AGP that there is no sufficient cause as envisaged under Section 5 of the Limitation Act, 1963, to condone the delay. The applicants appear to be very lethargic and negligent in prosecuting the present matters. In view of slipshod and lackadaisical attitude of the applicants, present applications deserve to be dismissed. Accordingly, the applications stand dismissed. No order as to costs.

Sd/-

[K. K. SONAWANE]
JUDGE