

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 CIVIL APPLICATION NO. 14139 OF 2012
IN FAST/14346/2012

JALGAON CITY MUNICIPAL CORP.

VERSUS

THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicant : Mr. V.G. Kodale h/f
Mr. Gunale V.D.

AGP for Respondent No.1/State: Mr. S.R. Yadav
Advocate for Respondent No.2 : Mr. M.S. Kulkarni

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CORAM : K.K. SONAWANE, J.

DATE : 22nd September, 2017

PER COURT :

1. Heard learned counsel appearing for the applicant/appellant and learned A.G.P. for respondent No.1 and learned counsel appearing for Respondent No.2. Perused the application and documents produced on record.

2. There is delay of 152 days in preferring the First Appeal. According to the learned counsel for the applicant, the delay caused in filing the appeal is unintentional and not deliberate and caused due to unavoidable circumstances, therefore, the delay may be condoned.

2. Learned A.G.P. for respondent No.1 – State raised objection and submits that the reasons mentioned in the application for condonation of delay are not sufficient and considerable. Therefore, the Civil Application may be rejected.

3. The learned counsel for respondent No.2 submits that the cause of delay has not been explained in proper manner, and therefore, application should not be allowed.

4. I have gone through the submissions advanced on behalf of both the parties. In view of the aforesaid submissions and for the reasons

mentioned in the application, I am of the opinion that the reasonable opportunity is essential to be given to the applicant to ventilate the grievances before the Appellate Forum and there would not be any impediment to condone the delay. Therefore, the application for condonation of delay deserves to be allowed. In this situation, application stands allowed in terms of prayer clause "B". In view of this, application is disposed of. The delay so caused in preferring the Appeal against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for further process.

5. On registration of Appeal, re-issue notice to the respondents. Learned A.G.P waives service of notice on behalf of Respondent No.1/State and learned counsel Mr. M.S. Kulkarni waives service of notice on behalf of respondent No.2.

6. Call record and proceedings from the concerned reference Court.

7. After compliance of procedural formalities i.e. paper-book etc, list the matter on Board for admission in due course.

(K.K. SONAWANE, J.)

SRM/22/9/17