

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.17052/2015

924 CIVIL APPLICATION NO. 17052 OF 2015
IN
SAST/16344/2015

ANAND MALOJI PAWAR
VERSUS
AMRAPALI ANAND PAWAR

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Advocate for Applicants : Mr. Shrikant Kulkarni h/f Mr.Bhaskar M.P.
Advocate for respondent / sole :Mr. Quadri Taher Ali, Advocate, for
Mr.Shaikh Mujtaba Gulam Mustafa.

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CORAM : SUNIL P. DESHMUKH, J.
Dated: March 03, 2017

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PER COURT :-

1. Heard learned Counsel for the parties.
2. Learned Counsel for the applicant states that applicant is serving at Aurangabad, and due to personal difficulties he could not prefer appeal before first appellate Court within time and, in the circumstances, along with the appeal, he preferred an application for condonation of delay, which had been rejected and against which Second Appeal is preferred. Learned Counsel further submits that the grounds which are appearing in the Second Appeal would hold good in the present civil application also. Additionally, applicant had suffered a fracture and had been -

agp/-

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immobilized for about a month. In the circumstances, the delay has occurred.

3. Learned Counsel for the respondent opposes the request stating that no material has been placed on record with regard to the ailment suffered by the applicant and, as a matter of fact, information received in response to application under Right to Information Act discloses that there has been no medical leave obtained. He, therefore, purports to resist the application.

4. Though learned Counsel for the respondent opposes and suspects the veracity of the contents about the ailment being suffered by applicant yet, the information elucidated from the application under Right to Information Act shows that for about a month, the applicant had been away from service, and it is also not disputed that the applicant is serving at Aurangabad. As such, it appears that on account of some immobility, the applicant could not come before the Court earlier.

agp/-

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5. In the circumstances, I deem it expedient to condone the delay looking to the guidelines under the Apex Court judgment in the case of *Collector, Land Acquisition, Anantnag vs. Mst.Katiji and ors*, reported in *AIR 1987 SC 1353*, subject, of course, to payment of costs.

6. As such, the civil application stands granted in terms of prayer clause (B) subject to payment of costs of Rs.2500/- (Rs. two thousand, five hundred). The costs be deposited in this Court within a period of four weeks from today. Civil application stands disposed of.

(SUNIL P. DESHMUKH, J.)

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