

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**931 CIVIL APPLICATION NO. 12930 OF 2012
IN FAST/24498/2012**

THE STATE OF MAHARASHTRA
VERSUS
BHAU GENU BHAPKAR, DIED THR. L.RS. RAMKISHAN, DIED
THR. L.RS. KAUSHALYA AND ORS

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A.G.P. for the Applicant/State : Mr. S.R. Yadav
Advocate for Respondent Nos.1-A1 to 1-A4 and 1-B
to 1-H : Mr. M.R. Sonwane

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CORAM : K.K. SONAWANE, J.

DATE : 22nd September, 2017

PER COURT :

1. Heard learned A.G.P. for the applicant-State and the learned counsel for Respondent Nos.1-A1 to 1-A4 and 1-B to 1-H. Perused the application.

2. According to the learned A.G.P., the office submitted it's proposal for legal opinion to the Joint Secretary, Law and Judicial Department, Aurangabad. In view of this, Law and Judicial Department allowed the said proposal, and therefore, the appeal came to be

filed. It is submitted that due to non supply of relevant documents by the concerned authorities to the A.G.P. Office, the delay has been caused to file the appeal. Therefore, he requested to condone the delay.

3. Learned counsel for the respondents raised objection and argued that the appeal is not filed in proper manner and the reasons mentioned for causing delay in filing appeal have not been explained properly. In view of this, learned counsel for the respondents prayed for rejection of the application.

4. The application for condonation of delay is pending since the year 2012. Admittedly, the delay caused for filing the first appeal is due to compliance of procedural formalities. In such circumstances, I do not find any impediment to condone the delay by adopting liberal and pragmatic approach while dealing with the application for condonation of delay. In view of this, application stands allowed in terms of prayer clause "B". Delay caused in filing

Appeal against the impugned Judgment and Order is hereby condoned. Registry to take requisite steps for registration of appeal.

5. On registration of appeal, issue notice to the respondents. Learned counsel Mr. M.R. Sonwane waives service of notice on behalf of Respondent Nos.1-A1 to 1-A4 and 1-B to 1-H.

6. Record and proceedings has already been received to this Court.

7. Place the appeal for final hearing on merit at the stage of admission in due course.

(K.K. SONAWANE, J.)