

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

**CIVIL APPLICATION NO. 6463 OF 2016
IN FAST/26810/2015**

**THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
MADHAV VITHOBA SURVASE**

...

A.G.P. for Applicants : Mr. B.A.Shinde
Mr. Ingale Vivekanand V. Adv For Resp

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**WITH CA/6467/2016 IN FAST/26868/2015
WITH CA/6465/2016 IN FAST/26814/2015**

CORAM : K.L.WADANE, J.

DATED : 19th September, 2017

O R D E R :

Heard learned A.G.P. for the applicants and
Mr. Ingle, learned counsel for sole respondent.

2. These are the applications for condonation of
delay of 1231 days caused in filing First Appeals
against the judgment and award passed by the learned
Civil Judge, Senior Division at Omerga dated 3.12.2011.
It is contended by the applicants that the Law and
Judiciary Department has scrutinized the proposal and
arrived at a conclusion to prefer appeal and thereafter
vide communication dated 17.2.2012 informed the
Government Pleader. Thereafter the Government Pleader
has allotted the file to the A.G.P. for drafting the

appeal memo on 18.2.2012. Thereafter appeal memo was immediately drafted. Thereafter he received certified copy of the judgment and order. Thus, the delay caused in filing the appeal is not intentional, but it is caused because of the administrative difficulties. The delay caused in filing appeal is due to the aforesaid reasons, which were beyond the control of the applicants. Therefore, the applicants prayed to condone the delay.

3. Mr. Ingle, learned counsel appearing for the respondent opposes the application on the ground that there is huge delay caused in filing the appeal.

4. In view of above, Civil Applications are allowed. Delay caused in filing First Appeals is condoned.

Civil Applications are disposed of.

(K.L.WADANE, J.)

dbm