

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**935 CIVIL APPLICATION NO. 13747 OF 2012
IN FAST/28086/2012
WITH
CA/13748/2012 IN FAST/28086/2012**

THE STATE OF MAH THR COLLECTOR AND ANR
VERSUS
SHAMRAO BAPURAO KADAM AND ANR

...
A.G.P. for Applicants : Mr. S.R. Yadav
...

CORAM : K.K. SONAWANE, J.

DATE : 22nd September, 2017

PER COURT :

1. Heard learned A.G.P. for the applicants/
State. Despite service of notice, none appears for the
respondents. Perused the application.

2. These applications for condonation of delay
is pending since the year 2012. There is delay of 417
days for filing First Appeals in each application.
Learned A.G.P. submits that the delay caused in filing
the Appeals against the impugned Judgment and Award is

not intentional or deliberate, but it caused due to compliance of official process. Therefore, he prayed for condonation of delay by adopting the liberal approach.

3. Admittedly, there is delay of 417 days in filing the appeal. The public fund is involved in these matters. Therefore, I do not find any impediment to condone the delay caused in filing first appeal in the interest of justice. It is settled law that liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the application for condonation of delay. In sequel, the application stands allowed in terms of prayer clause '**B**'. Delay caused in filing appeal against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeal. On registration of appeal, re-issue notice to the respondents returnable on 2nd November, 2017.

4. Call Record and proceedings from the concerned Reference Court.

5. After compliance of the proper formalities, place the appeals for hearing at the stage of admission on 2nd November, 2017.

(K.K. SONAWANE, J.)