

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**936 CIVIL APPLICATION NO. 13749 OF 2012
IN FAST/28089/2012 WITH CA/13750/2012 IN
FAST/28089/2012**

THE STATE OF MAH THR COLLECTOR AND ANR
VERSUS
RAMKISAN ASHRUBA JADHAV AND ORS

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

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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. This application for condonation of delay is
pending since the year 2012. There is delay of 227
days for filing the First Appeal. Learned A.G.P.
submits that the delay caused in filing the Appeal
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 227 days in filing the appeal. The public fund is involved in this matter. 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 appeal for hearing at the stage of admission on 2nd November, 2017.

(K.K. SONAWANE, J.)

SRM/22/9/17