

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

**CIVIL APPLICATION NO. 11071 OF 2015
IN
FIRST APPEAL STAMP NO. 30763 OF 2014**

Bandu Nagnath Sonar

...APPLICANT

versus

The State of Maharashtra

...RESPONDENT

.....
Mr. N.B. Jadhav, Advocate for applicant
Mr. C.V. Dharukar, AGP for respondent
.....

CORAM : K.K. SONAWANE, J.

DATED : 31st AUGUST, 2017.

Order :-

1. Heard learned counsel for the applicant and learned AGP for respondent – State.
2. Perused the application. There is delay of near about 1248 days in preferring the appeal against impugned judgment and Award passed by the learned Reference Court. According to learned counsel, the delay caused in preferring the appeal is due to communication gap between the applicant and his counsel. He was not aware of the impugned Judgment and Award passed by the learned Reference Court. He came to know about the decision of the Reference Court in May, 2013. Thereafter, he handed over the relevant documents to his counsel, but the same was misplaced by learned counsel. After procuring requisite documents appeal came to be filed. However, there is delay of 1248 days in filing the appeal. According to learned counsel,

the delay is not intentional or deliberate, but it has been caused due to lack of communication from learned counsel. The learned counsel submits that the applicant is agriculturist and having no legal knowledge. He therefore prayed to condone the delay.

3. The learned AGP raised objection and submits that there is inordinate delay in filing the appeal and the same has not been explained in proper manner. Therefore, he prayed not to nod in favour of the applicant.

4. I have given anxious consideration to the submissions canvassed by the learned counsel for both sides. Admittedly, there is delay of near about 1248 days in preferring the appeal against impugned Judgment and Award passed by the learned Reference Court. The delay is not properly explained by the applicant to condone the delay. I find substance in the submissions advanced on behalf of the learned AGP that there is no sufficient cause as envisaged under Section 5 of the Limitation Act, 1963, to condone the delay. The applicant appear to be very lethargic and negligent in prosecuting the present matter. In view of slipshod and lackadaisical attitude of the applicant, present application deserves to be dismissed. Accordingly, the application stand dismissed. No order as to costs.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK