

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

910 CIVIL APPLICATION NO.15459 OF 2016
IN FAST/31657/2016 WITH CA/15461/2016 IN FAST/31762/2016
WITH CA/15464/2016 IN FAST/31660/2016

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THE STATE OF MAHARASHTRA AND ORS .. Applicants

VERSUS

MANMATH MAHALING SWAMI AND ANR .. Respondents

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AGP for Applicants : Mr. S.P. Sonpawale
Advocate for Respondents No.1 & 2 : Mr. R.V. Naiknavare

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CORAM: P. R. BORA, J.
DATE : 22TH JUNE, 2017.

Per Court :

1. In two matters the delay of 792 days has occurred in filing the appeals, whereas in the third matter, delay caused is of 800 days. The learned AGP submitted that, the procedural hurdles is the only reason that, the appeals could not be filed within the period of limitation. Delay has been explained in the application and it is specifically averred that, in obtaining sanctions at different levels and in procuring the amount of court fees and then collecting the documents etc., time is consumed and that is the reason that the appeals could not be filed within the period of limitation. The learned AGP further submitted that, having regard to the fact that, the public money is involved and the amount of compensation as has been enhanced by the Reference Court is unreasonable, the opportunity be

given to the State to agitate its matters on merits.

2. Shri. R.V. Naiknaware, learned Counsel appearing for the respondents / Orig. Claimants has opposed for condoning the delay stating that, the reasons which are assigned are insufficient for condoning the delay. The learned Counsel further submitted that, the State has not deposited a single pai towards the enhanced compensation though the stay has been obtained by the State for execution of the impugned Award on a condition that the State will deposit the said amount within 12 weeks and though the said period has become over.

3. I have carefully considered the submissions made. On perusal of the averments made in the application, it appears to me that, the delay has been sufficiently explained by the State. Moreover having regard to the fact that, the public money is involved, I am inclined to condone the delay, which has occasioned in filing the appeal by the State. Hence, the following order.

ORDER

1. The Civil applications are allowed. The delay caused in filing the appeals is condoned. Appeals be registered in accordance with law. Civil Applications stand disposed of.

2. On registration of the appeals, issue notice to the respondents / Orig. claimants in the appeals. Learned Counsels for the original claimants i.e. respondents waives service for respective respondents. Service complete.

3. Place the matter for admission on 21.07.2017.

4. Call for Record and Proceedings. In the meanwhile, the State shall endeavour to deposit an amount of compensation as undertaken by it.

[P. R. BORA, J.]

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