

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

16 CIVIL APPLICATION NO. 900 OF 2017
IN FAST/38405/2016

MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION THR ITS
DIVISIONAL OFFICER, LATUR
VERSUS
SUREKHA DEELIP SWAMI

Advocate for Applicant : Mr. Shrirang S. Dande
Adv. for Respondents: Mr. R.B. Deshmukh

CORAM : K.K. SONAWANE, J.

DATE : 14th November, 2017.

PER COURT:

Heard learned counsel for the applicant and learned counsel for the sole respondent.

2] Perused the application. The applicant is seeking condonation of delay of 128 days caused in filing first appeal against the impugned judgment and award passed by the learned Reference court in LAR No. 874 of 1999. According to learned counsel for the delay is not deliberate and intentional but caused due to compliance of official process as well as for procuring budgetary allocation, court expenses etc.

3] Learned counsel for the respondent raised objection and submits that delay has not been properly explained and it would be unjust and improper to condone the delay. He added that sole respondent also

preferred an appeal for enhancement of compensation awarded by the Reference Court in the said LAR proceeding and the appeal of the sole respondent is not tagged with the present application.

3] In view of the subject matter and for the reasons mentioned in the application, there is no impediment to condone the delay. The appeal of the respondent is already pending for admission. Hence, the application stands allowed in terms of prayer clause (A), in the interest of justice. Delay caused for filing appeal is hereby condoned. Registry to take requisite steps for further process. On registration of appeal, issue notice to respondents. The learned counsel Shri R.B. Deshmukh, Advocate waives notice for respondent sole. Call for R.& P from the concerned Commissioner. After receipt of R.& P. and compliance of official process, list the matter for admission in due course.

[K.K. SONAWANE]
JUDGE.

grt/-