

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1620 OF 2002

IN

FIRST APPEAL (ST) No. 42258 of 1999

The State of Maharashtra .. Applicant.

vs.

Vaiju J. Gavade and ors. .. Respondents.

Ms Anamika Malhotra, Asst. Govt. Pleader for the Applicant.

CORAM : M. S. SONAK, J.

DATE : 10 JANUARY 2017.

P.C. :-

1] Heard learned Asst. Govt. Pleader for the applicant- State. She submits that service has been duly completed in the matter.

2] This civil application is seeking condonation of delay of 226 days in instituting the appeal. In paragraph 1, it is submitted that the certified copy of the impugned order was applied for on 6 January 1999 itself and the same was received on 19 February 1999. Thereafter on 25 February 1999, the District Government Pleader opined that this is a fit case for institution of an appeal. The matter was forwarded to the Law and Judiciary Department, where it was kept pending for almost nine months. On 25 November 1999, the resolution for filing of appeal was conveyed to the Government Pleader, Mumbai and on 24 December 1999, the appeal has been filed.

3] There is delay of about 7 months because the matter was pending in Law and Judiciary Department. This delay, no doubt, is quite large. However, in this case, there is explanation that the

matter has to be considered at several levels.

4] Taking the same into consideration, the delay of 226 days in institution of the appeal is hereby condoned. However, this shall be subject to costs of Rs.10,000/- payable by the applicant to the respondent. Such costs to be deposited in this court within a period of four weeks from today. In case, the costs are not deposited within the period of four weeks from today, this application shall be deemed to have been dismissed.

5] The civil application is disposed of accordingly.

6] Place the appeal for admission after four weeks, provided the amount of costs are deposited.

(M. S. SONAK, J.)

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