

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3061 OF 2008
IN
FIRST APPEAL (ST) NO.11728 OF 2008
WITH
CIVIL APPLICATION NO.3062 OF 2008
IN
FIRST APPEAL (ST) NO.11728 OF 2008**

Maharashtra Industrial Development
Corporation ..Applicant/Appellant
V/s.

Pandurang Shivram Naik D/H
Taramati Pandurang Naik & Ors. ..Respondents

Mr.Yogesh Y. Dabke, AGP for the Applicant-Appellant-State.

Mr.Prashant Chavan a/w Mr.Meet Vora for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 20 FEBRUARY 2017.

P.C.

1. Mr.Prashant Chavan the learned counsel for the applicant states that service is complete upon respondent No.1, who is the original claimant. Mr.Dabke the learned AGP waives notice on respondent Nos.2 and 3.

2. The delay in the institution of this appeal is of 157 days. The reasons set out in the Civil Application do indicate that there

was not the required amount on the diligence on the part of the applicant. However, considering the averments in paragraph No.9, the delay can be condoned subject to payment of cost of Rs.10,000/-.

3. The Civil Application is accordingly allowed subject to the applicant paying cost of Rs.10,000/- in favour of respondent No.1 within a period of four weeks from today. Such cost either pay directly to the respondent or in this Court within a period of four weeks from today. In case of default, the Civil Application shall deem to have been dismissed.

4. Place the matter for admission after four weeks in case, amount of cost shall be paid or deposited by the appellant.

(M. S. SONAK, J.)