

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1770 OF 2013
IN
FIRST APPEAL (ST) NO. 18249 OF 2008

The State of Maharashtra .. Appellant
vs.
Rangnath Genba
Mali (since deceased)
Dattatray R. Mali and ors. .. Respondents

Mr. Y.Y. Dabke, Asst. Govt. Pleader for the Applicant- State.
Mr. Abhijit Singh i/b Pallavi Potnis for Respondent Nos.1A to 2
Mr. D.D.Shinde for Respondent No.3.

CORAM : M. S. SONAK, J.
DATE : 10 FEBRUARY 2017.

P.C. :-

1] The main reason set out in the application seeking condonation of delay is that the photocopy machine allotted to the Office of the District Government Pleader was out of order and therefore, no sufficient copies of the judgment and decree could be made. This had a cascading effect since there was a delay in taking decision. Some time was spent on account of movement of files between the decision makers in Mumbai and the advocates who were entrusted with responsibilities of filing the appeal. The reasons are not all that satisfactory. However, the delay is of 202 days. The respondents can always be compensated in terms of costs. Accordingly, the application seeking condonation of delay is allowed subject to payment of costs of Rs.10,000/-. Such costs to be paid within a period of four weeks from today. In case, amount of costs is not paid within stipulated period, this civil application to stand

dismissed without any further reference to the court. Accordingly, this civil application is disposed of.

2] Place the first appeal for admission after four weeks, in case the amount of costs are paid.

(M. S. SONAK, J.)

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