

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1343 OF 2012  
IN  
FIRST APPEAL (STAMP) NO. 18265 OF 2008  
WITH  
CIVIL APPLICATION NO. 1344 OF 2012  
IN  
FIRST APPEAL (STAMP) NO. 18265 OF 2008

The State of Maharashtra .. Appellant / Applicant  
vs.  
Mahadu D. Shete (dead)  
through L.R's B. M. Shete & Ors. .. Respondents

Mr. Yogesh Dabke – AGP for Applicant / Appellant.  
Mr. Gaurav Potnis i/b. P. H. Potnis for Respondent 1/1 to 1/6.

**CORAM : M. S. SONAK, J.**  
**DATE: 23 JANUARY 2017**

**P.C :**

1] Mr. Dabke, learned AGP states that affidavit of service has already been filed in the matter.

2] Mr. Potnis appears for legal representatives of respondent no. 1, the original claimant.

3] The delay in this case is stated to be of 202 days. However, in reality the delay is about 223 days. The reasons as to why the appeal could not be instituted within the prescribed period of limitation have been set out in the civil application. There is some explanation, in that, the files were being pursued. No doubt, such

condonation will prejudice the legal representatives of the respondent no. 1. However, such prejudice, in the facts and circumstances of the present case, can be compensated in terms of costs.

4] Accordingly, the delay in institution of the appeal is condoned subject to payment of costs of Rs.10,000/- within a period of four weeks from today. In case the amount of costs is not deposited in this Court within a period of four weeks from today, the civil application no. 1343 of 2012 shall be deemed to have been dismissed. If the costs are deposited, the legal representatives of respondent no. 1 shall be entitled to withdraw the same unconditionally.

5] Civil application no. 1343 of 2012 is disposed of accordingly.

6] Further, place this appeal for admission on 27 February 2017, only if the amount of costs is deposited.

**(M. S. SONAK, J.)**