

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 1226 OF 2012**  
**IN**  
**FIRST APPEAL st. No. 23301 OF 2011**

Vishnu N. Ghule. ..Applicant.  
Versus  
The State of Maharashtra and Others. ..Respondents.

Mr. P. N. Joshi for the Applicant.

Coram : RANJIT MORE, J.  
Date : **April 28, 2017.**

P. C. :

1. This civil application is filed for condonation of 595 days delay occurred in filing above appeal. By the order dated 11<sup>th</sup> April 2012, this Court granted rule on the application and made it returnable after six weeks. Rule is served upon the Respondents. However, none appears on their behalf. The Respondents have also not filed any affidavit opposing the application for condonation of delay. In that view of the matter, it is deemed that the Respondents have accepted the averments made in the application.

2. In similar facts and circumstances, this Court [Coram : S. C. Gupte, J.] by the order dated 17<sup>th</sup> April 2017 passed in Civil application No. 1233 of 2012 has condoned the delay occurred in filing First Appeal (St.) No.23304 of 2011. That apart, I have gone through the averments made in the application. In paragraph 2, the Applicant has stated that he is residing in remote area in village and he was not aware about

the impugned judgment and decree and therefore could not approach this Court. In the absence of rebuttal to these averments, as stated above, by filing reply, I find the explanation to condone the delay is satisfactory.

3. In above circumstances, civil application is allowed in terms of prayer clause (a). Delay of 595 days occurred in filing appeal is hereby condoned. Registry to number the appeal and place for admission on 1<sup>st</sup> July 2017.

4. Civil Application stands disposed of.

**[RANJIT MORE, J.]**