

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

930 CIVIL APPLICATION NO. 1851 OF 2018
IN FAST/312/2018 WITH CA/1852/2018 IN
FAST/312/2018

THE STATE OF MAHARASHTRA
VERSUS
ABASAHEB SAYAJI ROHKALE AND ANR

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Advocate for Applicant : Mr. AM Phule, AGP;
Mr. Karpe Rahul R., Adv. For R/1 And 2.

CORAM : P.R.BORA, J.

DATE : 4th September, 2018.

PER COURT :

1. Heard learned AGP for State and Shri Karpe, learned Counsel for original claimants.

2. Delay of 1987 days has occurred in filing the present appeal by the State. Learned AGP submitted that in making the procedural compliances time was consumed and that is the only reason that the appeal could not be filed within the stipulated period of limitation. The learned AGP submitted that the delay caused is unintentional and for all bonafide reasons. The learned AGP, therefore, prayed for condoning the delay and to provide an opportunity to the State to prosecute the appeal on merits.

3. Shri Karpe, learned counsel appearing for original claimants opposed the submissions

made by the learned AGP. The learned Counsel submitted that the reasons as are assigned are wholly insufficient to condone the delay. In the alternative, the learned counsel submitted that if the learned AGP is ready to proceed with the appeal finally, the claimants may not have any objection for condoning the delay. The learned AGP was prompt in submitting that he is ready with the matter even on merits.

4. In view of the submissions so made, following order is passed, -

ORDER

- i. The delay caused in filing the application is condoned. CA for condonation of delay stands disposed of.
- ii. Appeal be registered in accordance with law. On registration of the appeal, issue notice to the respondents. Shri Karpe waives service for the original claimants. Service complete.
- iii. List the appeal for final disposal on 7th September, 2018.

(P. R. BORA)
JUDGE

bdv/