

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

931 CIVIL APPLICATION NO.1909 OF 2018
IN FAST/1565/2018

WITH

CA/1910/2018 IN FAST/1565/2018

WITH

CA/1911/2018 IN FAST/1630/2018

WITH

CA/1912/2018 IN FAST/1630/2018

WITH

CA/1913/2018 IN FAST/1633/2018

WITH

CA/1914/2018 IN FAST/1633/2018

THE STATE OF MAHARASHTRA AND ANR
VERSUS
ANNAPPA SHRIMANT BIRAJDAR (BHUSAPPA)

...

Advocate for Applicants : Mr. PG Borade, AGP.

CORAM : P.R.BORA, J.

DATE : 4th September, 2018.

PER COURT :

1. Heard learned AGP for the State. Respondent sole though served, no one has appeared in the matter.

2. Delay of 2732 days has occurred in filing the present appeals by the State. Learned AGP submitted that in making procedural compliances, the delay has occurred and that is

the only reason stated in justification of the delay.

3. I have carefully perused the contents in the applications. In para 3 of the applications, explanation is given in justification of the delay occurred. Para 3 of the applications reads thus, -

"3. Since the certified copy, typed copies, court fees and difference chart of the impugned judgment and order were not received with proposal, letters were sent to the concerned authorities on 26.10.2010 calling upon the said documents and same is received on 09.11.2017. Thereafter, after appropriate compliance in respect of the same, present First Appeal is filed. However, on account of above said procedural and administrative exigencies, it appears that the delay has been caused in filing First Appeal. However, the said delay is not deliberate or intentional one."

4. The reasons are assigned above, in no case, can be held sufficient to condone the huge delay of more than 7 ½ years. There is absolutely no explanation as to why for the period of more than seven years was required for the concerned authorities in making available the documents, which were called for vide the communication dated 26.10.2010. It apparently appears that the Officers which were concerned with the matter in hand, were grossly negligent in performing their duties. The State has utterly failed in showing any sufficient cause to condone the inordinate delay of more than 7 ½ years. I am, therefore, not inclined to allow the present applications. Hence the following order,

ORDER

- i. The Applications for condonation of delay are rejected.
- ii. Consequently, the appeals on stamp number as well as CA for stay are also dismissed.

(P. R. BORA)
JUDGE

bdv/