

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.8052 OF 2013
WITH FAST/13260/2013**

**RAJKUMAR GANPATRAO KAKADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. M.P. Tripathi, Advocate for the applicant
Mrs. R.P. Gour, AGP for the respondent/State
Mr. S.S. Dande, Advocate for respondent No.2.

**CORAM : S.M.GAVHANE, J.
DATED : 20.02.2019**

P.C. :-

1. Heard learned counsel for the applicant and learned AGP for the respondent No.1 and Mr.S.S. Dande, learned Advocate for respondent No.2.

2. By this application applicant has prayed to condone 29 days' delay caused in filing the appeal challenging the award dated 12.12.2012 in L.A.R. No.354 of 2005 (Old No.362 of 1998) passed by the Civil Judge, Senior Division, Omerga, Dist. Osmanabad.

3. Learned counsel for the applicant has after inviting my attention to the grounds in paragraph Nos.3 and 4 of the application submitted that award was passed on 12.12.2012. Applicant came to know about the same on 18.12.2012. Thereafter, he applied for certified copy of judgment and he received said copy on 02.01.2013.

Thereafter, applicant met his Advocate and came to know about remedy of appeal for enhancement of compensation and as such delay has been caused in filing appeal. So also applicant was facing financial difficulties due to drought situation. It is submitted that thus delay has been caused in filing appeal which is not intentional and the same needs to be condoned.

4. Learned AGP for respondent No.1 and Mr.S.S. Dande, learned Advocate for respondent No.2 opposed to grant the application.

5. Though the learned AGP and the learned counsel for respondent No.2 opposed to grant the application, considering the grounds mentioned earlier and the submissions made by the learned counsel for the applicant/original claimant, I find that the applicant has properly explained the delay caused in filing the appeal and there is sufficient ground to condone the said delay. Therefore, said delay needs to be condoned in the interest of justice. Therefore, application is allowed. Delay caused in filing appeal is condoned.

6. The appeal be registered. On registering the appeal, issue notice to the respondents, returnable on 03.04.2019.

7. Learned AGP waives service of notice for respondent No.1.

8. Mr.S.S. Dande, learned Advocate wavier service of notice for respondent No.2.

9. Call record and proceedings in L.A.R. No.354 of 2005 (Old No.362 of 1998) from the Court of Civil Judge, Senior Division, Omerga, Dist. Osmanabad.

[S.M.GAVHANE,J.]

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