

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

969 CIVIL APPLICATION NO.11815 OF 2018
IN SAST/26145/2018 WITH CA/11816/2018 IN SAST/26145/2018

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO. LTD THRO.
EXECUTIVE ENGINEER,BEED

VERSUS

CHINTAMAN EKNATHRAO SHINDE AND ANOTHER

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Mr. A.S. Shelke, Advocate for the applicant

Mr. R.P. Bhumkar, Advocate for the respondent Nos.1 and 2

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CORAM : SMT. VIBHA KANKANWADI,J.

DATE : 18th JANUARY, 2019

PER COURT :

1 Present application has been filed to get the delay of 86 days condoned for filing Second Appeal.

2 Present respondents are the original plaintiffs, who had filed the suit for compensation bearing Special Civil Suit No.18/2008 before Civil Judge Senior Division, Ambajogai, which came to be decreed on 16.07.2010. Thereafter, the present applicant had preferred Regular Civil Appeal No.109/2012 before District Court at Ambajogai. Learned District Judge-2, Ambajogai dismissed the appeal on 25.01.2018. The appellant intends to file Second Appeal. It is stated that since the applicant is a fictitious person, runs through employees, administrative sanctions are

necessary and opinion from the legal department, so also after making the arrangement for the Court fee the decision has been taken. However, the delay has been caused. It is unintentional.

3 The respondent Nos.1 and 2 have strongly opposed the application stating that delay of each and every day has not been explained. So also it is a money decree. The application has been filed just to prolong the execution of the decree.

4 Taking into consideration the fact that applicant is a company, which has its own procedure, when appeal is required to be filed. Therefore, liberal approach is taken. Taking into consideration the delay is of 86 days. Hence, following order.

ORDER

1 The application is hereby allowed.

2 The delay caused in filing Second Appeal is hereby condoned.

3 Registry to verify and register the Second Appeal and place it for consideration along with Civil Application on 28.02.2019.

(Smt. Vibha Kankanwadi, J.)

agd