

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

936 CIVIL APPLICATION NO.1024 OF 2017
IN FAST/37950/2016

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
BAJIRAO KONDIBA NIMSE

WITH

CA/1027/2017 IN FAST/38213/2016 WITH CA/1029/2017 IN
FAST/38273/2016 WITH CA/1031/2017 IN FAST/38276/2016 WITH
CA/1033/2017 IN FAST/38279/2016 WITH CA/1035/2017 IN
FAST/38219/2016 WITH CA/1037/2017 IN FAST/38264/2016 WITH
CA/1039/2017 IN FAST/38258/2016 WITH CA/1041/2017 IN
FAST/38165/2016 WITH CA/1043/2017 IN FAST/38177/2016 WITH
CA/1045/2017 IN FAST/38261/2016 WITH CA/1051/2017 IN
FAST/38267/2016 WITH CA/1054/2017 IN FAST/38270/2016

AGP for Applicant in All CAs : Mr.A.M. Phule
Advocate for Respondents : Mr. A.A. Nimbalkar and Mr. D.R.
Jayabhar.

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CORAM : P.R. BORA, J.

DATED : 08th FEBRUARY, 2019

PER COURT:-

1. Heard Shri Phule, the learned AGP for for the appellant-State and Shri Nimbalkar, the learned counsel appearing for the respondents in some of the matters as well as Shri D.R. Jayabhar, the learned counsel appearing in some of the matters for the respondents.
2. Delay of 531 days has occurred in filing these appeals. Learned AGP submitted that in making procedural compliances, the time was consumed, and i.e. the only reasons that the appeals could not be filed within the period of limitation.

The learned AGP submitted that an opportunity needs to be given to the state to prosecute its appeals on merits.

3. The learned counsel appearing for the respondents-claimants have opposed for condoning the delay stating that huge delay of more than 500 days caused in filing the appeals, which has not been properly explained.

4. After having considered the submissions made by the learned counsel appearing for the parties, it appears to me that the reasons as are stated in the application cannot be outrightly rejected. I am, therefore inclined to allow the applications. Hence, the following order is passed:-

ORDER

[i] Civil Applications for condonation of delay are allowed.

[ii] Delay caused in filing the appeals is condoned.

[iii] Appeals be registered in accordance with law.

[iv] After registration of appeals, issue notice to the respondents. Learned counsel Shri Nimbalkar and Shri Jayabhar waive notice for the respective respondents in respective appeals. Service complete.

[v] Civil applications for condonation of delay stand disposed of.

[vi] List the appeals for further consideration on 25.02.2019 at 2.30 p.m.

**(P.R. BORA)
JUDGE**