

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

905 CIVIL APPLICATION NO.15170 OF 2017
IN FAST/38616/2017

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
RAGHUNATH RAIBHAN GAIKWAD

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AGP for Applicants : Mr. P.M. Kulkarni
Advocate for Respondent : Mr. R.V. Naiknaware

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 03RD JULY 2019

ORAL ORDER :

01. Present civil application has been filed for getting delay of 1218 days condoned. The State intends to challenge the judgment and award passed by the learned Civil Judge (Senior Division), Osmanabad, in L.A.R. No.1010 of 2010, dated 02-05-2014. However, it is stated that after obtaining the certified copies, the State had sought legal advice, sanction and permission and then made arrangements for court-fees, etc. which caused delay. It is stated that the said delay is unintentional.

02. Learned Advocate appearing for the respondent is strongly opposing the application on the ground that each and every day's delay has not

been properly explained.

03. Taking into consideration the fact that some immediate actions have been taken by the State to obtain certified copies and then seek permission / guidance and those steps can be said to be a genuine effort. However, since the State was required to go through those administrative steps, the delay has been caused and, therefore, liberal approach is required to be taken.

04. Though it appears that this Court has passed an order on stay application on 18th December 2017, that the stay is granted conditionally subject to deposit of entire amount of compensation within 12 weeks, the said amount has not been deposited, yet. No doubt, respondent / respondents have right to go ahead with the execution of the judgment and award, yet, learned Assistant Government Pleader is making statement that the communication has been made to make available the funds and it would be deposited within a period of four weeks. Taking into consideration this statement, no need to pass any further order as regards stay to the judgment and decree. But then, it is expected that the State will make available those funds and deposit the said amount in this Court within the aforesaid period.

05. Hence, reasonable ground has been made to

condone the delay. The application is, therefore, allowed and disposed of by condoning the said delay. Registry to verify and register the first appeal and place it for consideration on 18th December 2019.

(Smt. Vibha Kankanwadi)
JUDGE

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