

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL JURISDICTION
CIVIL APPLICATION NO. 1491 OF 2012
IN
FIRST APPEAL (ST) NO. 9556 OF 2007
WITH
CIVIL APPLICATION NO. 1492 OF 2012

The State of Maharashtra and Ors. .. Applicants

Versus

Narayan Rangnath Umbare and Ors. .. Respondents

...

Ms. Tanaya Goswami, AGP for the State/Applicant.

CORAM: BHARATI DANGRE, J.

DATED : 30th AUGUST, 2019.

P.C:-

1. The State of Maharashtra being aggrieved by the judgment dated 6th June, 2006 delivered by the Civil Judge, Senior Division, Barshi, District-Solapur, in L.A.R. No. 760 of 2002, has filed First Appeal. Civil Application No. 1491 of 2012 seek condonation of delay in filing the First Appeal came to be filed on 13th April, 2007.

2. With the assistance of learned AGP, I have perused

Sonali Patil

the said application. The application set out the necessary particulars from the date on which the award in L.A.R. was passed namely 6th June, 2006 till the date of 2nd April, 2007 when the First Appeal and Civil Application for grant of stay came to be filed. The reasonable justification offered for not filing the appeal within the said stipulated period is that the State Government being required to process its files through hierarchy of Departments and Officers, are entitled for certain latitude in the matter of condonation of delay and though it is not expected that the State should explain each days delay but I am satisfied that it makes out a case pointing out that there was reasonable justification since it was procedurally required to take the steps for arriving at decision to challenge the order/judgment of the Lower Court. In my view, the provisions of Limitation Act will have to be liberally construed in favour of the State. In such circumstances, in the present application since the delay has been sufficiently and reasonably explained, I find the same is bonafide, hence Civil Application for condoning the delay of 220 days is allowed. Registry is directed to register the First Appeal and thereupon issue notice to the respondent No. 1 to 5, returnable after 4 weeks.

3. Civil Application No. 1492/2012 is filed seeking stay to the effect and operation of the judgment and award passed by the Civil Judge. The learned AGP on instruction makes statement

that the appellant is ready and willing to deposit the amount within a period of six weeks in this Court. Upon such deposit being made, there shall be stay to the effect and operation of the impugned judgment.

SMT. BHARATI DANGRE, J