

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3187 OF 2016

Shri Ramdayal Ramkisan Daga ... Petitioner

Vs

The State of Maharashtra,
Through Collector,
Nashik and Anr. ... Respondents

...

Mr. Suresh M. Sabrad for the Petitioner.

Mr. P.V.Nelson Ranjan AGP for the Respondent Nos.1 and 2.

CORAM : SANDEEP K. SHINDE J.

DATE : JUNE 14, 2019

P.C. :

Heard learned counsel for the parties.

2 Petitioner's Special Civil Suit No.73 of 2005 was decreed on 23rd November, 2011 against the respondent-State. The State applied for certified copy on 24th November, 2011 and received certified copy of the decree on 3rd December, 2011. On 4th April, 2012 the State instituted Regular Civil Appeal along with application no.24 of 2012, seeking condonation of delay of 90 days occurred in preferring the appeal against the decree dated 23rd November, 2011.

3 The learned Appellate Court vide order dated 11th November, 2013 having found that '*sufficient cause*' was shown, condoned the delay subject to cost of Rs.2,000/-.

3 It is against the order dated 11th November, 2013, this Writ Petition under Article 227 of the Constitution of India is preferred. Soon after the decree, election of Zilla Parishad were declared on 3rd January, 2012 and as such, the State and its authorities could not institute the First Appeal within period of limitation.

4 In view of this, the order passed by the learned District Judge does not suffer from jurisdictional error. Cause shown for condoning the delay being sufficient, I am not inclined to interfere in the order impugned. Petition is, accordingly, dismissed.

(SANDEEP K. SHINDE, J.)