

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAF) NO. 3631/2018 IN
FIRST APPEAL STAMP NO. 16/2018

V.I.D.C., through the Executive Engineer, Medium Project Division, Yavatmal and
another.

Vs.

Anil Bijrang Sharma and others.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri P.B. Patil, counsel for the appellants.
Shri V.R. Choudhari, counsel for the respondent No. 1.
Shri I.J. Damle, AGP for the respondent Nos. 2 and 3.

CORAM: ARUN D. UPADHYE, J.

DATE: 12-03-2019.

Heard Shri P.B. Patil learned counsel for the appellants, Shri V.R. Choudhari, learned counsel for the respondent no.1 and Shri I.J. Damle, learned AGP for the respondent Nos. 2 and 3.

Shri P.B. Patil, learned counsel for the appellants has submitted that the delay is properly explained in para-2 of the application. The respondent No.1 by filing reply has objected for condonation of delay and the most, cost may be awarded to respondent No.1 while condoning the delay.

Shri V.R. Choudhari, learned counsel for the respondent No.1 has submitted that delay is not explained properly and the delay is more than 300 days. He also relied upon one ruling reported in *AIR 2012 SC 1506 Office of the Chief Post Master General and others V/s Living Media India*

Ltd. and another.

Shri I.J. Damle, learned Assistant Government Pleader has no objection if the said delay is condoned.

After considering the submissions of both the sides and after going through the contentions of the application and reply, I am of the considered view that delay could be condoned in the interest of justice. No prejudice will be caused to the respondent No.1 if delay is condoned. The delay cause in filing the appeal appears to be procedural one and requires sometime for obtaining necessary permission at various stage. In the facts and circumstances of the case, the ruling relied by the learned counsel for the respondent No.1 is not made applicable. At the most compensation of amount of Rs. 1,000/- could be saddled as costs for condonation of delay. The respondent No.1 is entitled to withdraw the same. On condition of depositing the costs, delay could be condoned.

Hence, I pass following order :-

ORDER

- 1] Application is allowed.
- 2] Delay is condoned, subject to cost of Rs.1,000/- to be deposited in the Registry of this Court within four weeks.

JUDGE