

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

926 CIVIL APPLICATION NO.4665 OF 2020
IN FIRST APPEAL [STAMP] NO.12132 OF 2020

THE REGIONAL OFFICER, M.I.D.C., WALUJ,
AURANGABAD

VERSUS

SAYYED MIYA S/O SYED BURHAN & ANOTHER

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Mr.S.S.Dande, Advocate for the applicant-
appellant.

Mr.P.M.Kulkarni, AGP for the respondent-
State.

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CORAM : V.L.ACHLIYA,J.
DATE : 09.12.2020

P.C.

1] The applicant – appellant has moved this application seeking condonation of 518 days delay in filing appeal for the reasons set out in detail in the application.

2] Heard learned counsel for the applicant – appellant and learned AGP for the respondent – State. The respondent no.1 though served absent.

3] In brief, it is the contention of the learned counsel for the applicant –

appellant that delay caused in filing appeal was not deliberate or intentional. The Reference Court decided the proceedings as *ex parte* against the applicant-appellant. The case was remanded to the Reference Court for its fresh decision. Due to certain miscommunication, the applicant – acquiring body though added as party failed to appear in the matter. However, the case represented through the State of Maharashtra. It is submitted that the reference filed by the respondent no.1 was in gross suppression of true and correct fact, particularly in respect of consent award passed under Section 33 [2] of the MID Act, 1961. It is submitted that the applicant – appellant has good case to succeed in the appeal. In case the delay is not condoned, serious prejudice would cause to the applicant – appellant. In spite of consent award being passed and same being satisfied, the respondent no.1 has filed reference in gross suppression of the said fact.

4] On due consideration of the submissions advanced in the light of cause assigned for condonation of delay and consequences to follow if delay is not

condoned, I am of the view that delay deserves to be condoned. Accordingly, application is allowed in terms of prayer clause-A. Delay condoned. Appeal be registered.

5] Civil Application is disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

DDC