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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1646 OF 2017
IN
SECOND APPEAL (ST) NO.22024 OF 2017
WITH
CIVIL APPLICATION NO.1647 OF 2017

The State of Maharashtra

... Applicant

Vs.

Shri Bhaskar Shankar Surve (Deceased)

Through Legal Heirs and Ors.

... Respondents

Mr. Yogesh Dabke, AGP for the Applicant.

Mr. Milind Parab i/b.. Milind Parab and Associates for the Respondent
Nos.1 to 6.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 25th FEBRUARY 2020.

P.C.:

1 This is an application seeking condonation of delay in filing the second appeal. Delay is of 1 year and 70 days. The learned counsel for the respondent vehemently submits that there is no plausible explanation for the inordinate delay in filing the appeal although the applicant herein (Government of Maharashtra) was well aware of the judgment and order dated 10th February 2016. They had applied for certified copy on 25th

February 2016 which was received on 26th February 2016. However, no steps were taken till 2017. It is also submitted that there are concurrent findings of both the Courts in favour of the respondent and that the respondent is in unobstructed possession of the disputed area.

2 However, the delay of 1 year and 70 days deserves to be condoned in the interest of justice on depositing a cost of Rs.1,000/- to be paid to the Maharashtra State Legal Services Authority within four weeks from today. Application is allowed. Delay is condoned. Interim relief granted vide order dated 5th December 2017 shall continue to operate till next date. Stand over to 24th March 2020.

(SMT. SADHANA S. JADHAV, J.)