

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

Civil Application [CAF] No.3167 of 2019
in
First Appeal St.No.7816 of 2019

Rabbilkhan s/o Rustamkhan Pathan & others
vs.

The State of Maharashtra, through the Secretary, Ministry of Irrigation Department,
Mumbai & others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri P.D. Sharma, Advocate for Applicants/Appellants.
Shri S.S. Godbole, Adv. h/f Shri S.G. Jagtap, Adv. for Respondent Nos.2 & 3.
Shri M.A. Kadu, A.G.P. for Respondent Nos.1, 4 & 5.

CORAM : S.M. MODAK, J.
DATE : 18th DECEMBER, 2020

Heard.

There is a delay of 403 days in preferring the appeal. The Reference Court has delivered the judgment on 23/11/2017. The copy was supplied on 12/02/2019 and it was delivered on 07/03/2019. The period exhausted for obtaining certain copy needs to be excluded. So, accordingly, there is a delay of 379 days.

The prayer is opposed on behalf of respondent Nos.2 & 3. But, they are ready to waive the interest. The reasons mentioned in paragraph 4 are convincing. Hence, the order :

The delay of 379 days is condoned subject to waiver of interest for the period condoned.

The application is disposed of accordingly.

First Appeal St. No.7816/2019 :

Heard.

Admit.

Issue notice to the respondents.

Learned A.G.P. Shri Kadu waives notice for respondent Nos.1, 4 & 5 and learned Advocate Shri Godbole waives for respondent Nos.2 & 3.

Call for record and proceedings.

The respondents be supplied with copies.

Tag this appeal with First Appeal St. No.13591/2017.

JUDGE

*sandesh