

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

**CIVIL APPLICATION NO.860 OF 2017
IN
FIRST APPEAL (ST) NO.1197 OF 2016**

The State of Maharashtra ... Applicant
Vs.
Balaram Aalu Patil (Deceased)
Thr. his LRs Smt. Gangabai Balaram Patil & Ors. ... Respondents

Mrs.P.P. Shinde, AGP for applicant-State.
Mr. Ashutosh Hasija h/f Mr.S.S. Punde for respondents No.1/1 to 1/4.

CORAM: ABHAY AHUJA J.

DATE : 18TH SEPTEMBER, 2021

P.C.:

1. Heard.

2. By this application, the State of Maharashtra as applicant is seeking condonation of delay of 241 days in filing appeal against judgment and award dated 9th September, 2014 passed by the Learned Civil Judge, Senior Division, Panvel, District Raigad in L.A.R. No.51 of 2002.

3. Learned AGP for the State draws attention of this Court to paragraph 4 of the application to explain the delay. The said

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paragraph of the application is quoted as under :-

“4. *The Applicant further says that there was delay has been caused because the Law and Judiciary Department, Mantralaya, Mumbai took some time to scrutinize the proposal for passing resolution and thereafter, issuing sanction to prefer an appeal in this Hon'ble High Court as the said office is required to examine large number of matters before giving opinion. The Applicant says that certified copy of impugned Judgment and Award dated 09.09.2014 was received in the Office of the Government Pleader, High Court, Mumbai on 04.09.2015 after expiry of limitation period. Thereafter, the work of drafting was entrusted to one of the Law Officer, who in turn after due scrutiny drafted the Memo of Appeal. After getting adequate number of copies typed of the impugned Judgment and Award passed by the Reference Court and adequate number of copies of the Memo of Appeal, the Office of the Government Pleader, High Court (A.S.), Mumbai filed the said First Appeal in this Hon'ble Court, Mumbai. In the process stated hereinabove, the delay has been caused in filing the said First Appeal in this Hon'ble High Court.*”

4. Learned AGP submits that it is in view of the reasons stated therein that the delay of 241 days has been caused in filing the appeal.

5. Learned counsel for respondents submits that he has no particular objection if the delay is condoned.

6. Heard learned counsel for the parties and with their able assistance perused the application.

7. This court is inclined to allow this application and condone the delay of 241 days in filing the appeal. The said delay is accordingly condoned.

8. Civil Application is disposed of.

9. List the appeal for admission along with stay application on 12/10/2021.

(ABHAY AHUJA, J.)