

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

**CIVIL APPLICATION NO.2739 OF 2017
IN
FIRST APPEAL (ST) NO.1602 OF 2016**

The State of Maharashtra	... Applicant
Vs.	
Namdeo Kana Mundkar (Deceased)	
Through his legal heirs	
Bhau Namdeo Mundkar & Ors.	... Respondents

Mrs.P.P. Shinde, AGP for applicant-State.
Mr. Ashutosh Hasija h/f Mr.S.S. Punde for respondents No.1 to 5.

CORAM: ABHAY AHUJA J.

DATE : 18TH SEPTEMBER, 2021

P.C.:

1. By this application, the State of Maharashtra, applicant herein seeks condonation of delay of 348 days in filing this appeal against the judgment and award dated 28th August, 2014 passed by the Learned Civil Judge, Senior Division, Panvel, District Raigad in L.A.R. No.32 of 2002.

2. Learned AGP for appellant-State draws the attention of this court to paragraph 4 of the application to explain the delay. Paragraph 4 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 28.08.2014 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.”

3. Learned counsel appearing for respondents submits that he has no particular objection if the application is allowed.

4. It is also submitted on behalf of the parties that the stay of the impugned order has already been granted by this Court vide order dated 20th August, 2019.

5. Having perused the application and having heard the learned counsel, this Court is inclined to allow the application and condone the delay of 348 days.

6. Civil Application is accordingly disposed of.

7. List the first appeal for admission on 05/10/2021.

(ABHAY AHUJA, J.)

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