

Santosh

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

**CIVIL APPLICATION NO. 1702 OF 2019
IN
FIRST APPEAL (ST) NO. 4779 OF 2019**

**SANTOSH
SUBHASH
KULKARNI**

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Date: 2021.12.23
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The State of Maharashtra & anr.

...Applicants/
Appellants

Versus

Chandrakant Yeshwant Jasud & ors.

...Respondents

Mr. Y. Y. Dabake, AGP for the State/Applicants.

Mr. Jayesh Joshi, for the Respondents.

CORAM: N. J. JAMADAR, J.

DATED : 22nd DECEMBER, 2021

PC:-

1. Heard Mr. Dabake, the learned AGP for the State and Mr. Joshi, the learned Counsel for the respondents.
2. This application is preferred to condone the delay of 220 days in preferring the appeal against the judgment and award dated 11th August, 2017, passed by the learned Civil Judge, Senior Division, Raigad-Alibaug in LAR No.43 of 2009 (old LAR No.122/2009).
3. The applicants have ascribed reasons in paragraphs 3 to 6 of the application. It seems that time was consumed in taking the decision and pursuing the matter of filing appeal against the impugned judgment and award. Having regard to the impersonal nature of the Government machinery, some

allowance is required to be given for the delay. In any event, the delay does not appear to be intentional. Nor there is lack of *bona fide*. Thus to advance the cause of substantive justice, the application deserves to be allowed.

4. Hence, the following order:

: O r d e r :

- (i) The application stands allowed.
- (ii) The delay in preferring the appeal stands condoned.
- (iii) The appeal be registered.

The application stands disposed of.

[N. J. JAMADAR, J.]