

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

**CIVIL APPLICATION NO.3162 OF 2016
IN
FIRST APPEAL (ST) NO.12976 OF 2016**

The State of Maharashtra	... Applicant
Vs.	
Bhimrao Joma Patil & Ors.	... Respondents

Mrs.P.P. Shinde, AGP for applicant-State.

Mr. Ashutosh Hasija h/f Mr.S.S. Punde for respondent No.1, 2/1 to 2/3.

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 47 days in filing appeal against judgment and award dated 26th November, 2015 passed by the Learned Joint Civil Judge, Senior Division, Alibag in L.A.R. No.562 of 2000.

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 26.11.2015 was received in the Office of the Government Pleader, High Court, Mumbai on 16.03.2016 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 counsel for respondents submits that he has no particular objection, if the aforementioned delay is condoned.

5. Having heard learned counsel for the parties and having perused the reasons in the application, this Court is inclined to allow the application. Accordingly, the delay of 47 days in filing the appeal is hereby condoned.

6. Civil Application is accordingly disposed of.

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

(ABHAY AHUJA, J.)