

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

CIVIL APPLICATION (CAF) NO. 3682/2019 IN
FIRST APPEAL (ST) NO. 9169/2019

Kamlabai w/o Sitaram Rathod

-VERSUS-

State of Maharashtra & ors.

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

Court's or Judge's Orders

Shri. R. J. Shinde, Advocate for applicant.
Shri M. A. Kadu, AGP for respondent Nos. 1 and 2.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 25.01.2021.

The applicant has sought to condone the delay in challenging the judgment and award dated 28.11.2016 passed in LAC No. 66/2010. The application states that the delay was of 416 days. In view of the objection raised by learned AGP, the Office was directed to verify the exact number of days of delay. The Office note indicates that the delay is of 781 days instead of 416 days.

2. Learned counsel for the applicant states that there was bonafide mistake in calculating the number of days of delay. He seeks leave to amend

para 8 and prayer clause (a). Leave granted to carry out amendment forthwith.

4. In my considered view, the applicant has made out sufficient cause to condone the delay. Hence, the delay is condoned. Applicant shall not be entitled for interest for the delayed period of 781 days i.e. from the date of the impugned judgment till the date of the application.

5. Application stands disposed of.

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6. Heard.

7. **Admit.**

8. Call for the record and proceedings.

9. Appellant to file paper book within a period of six months.

(SMT. ANUJA PRABHUDESSAI, J.)

Gohane.