

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Civil Application (CAS) No. 684 of 2021
In
Second Appeal Stamp No. 12607 of 2021

The State of Maharashtra through The Collector, Akola and another
Versus
Subhash Gopikisan Gandhi

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms H.N. Jaipurkar, AGP for applicants
Shri K.Rao, Advocate h/f Shri M.G. Sarda for non-applicant.

CORAM : ANIL S. KILOR, J.
DATED : 18 DECEMBER 2021

This is an application moved by State Government through the Collector and Taluka Inspector for condonation of delay in filing Second Appeal.

2. Heard the learned Counsel for the respective parties.

3. The learned Assistant Government Pleader submits that there is a delay of 896 days in filing

Second Appeal. It is submitted that after the impugned judgment and decree dated 23/01/2019 passed by the learned Adhoc District Judge-1, Akola in RCA No. 67/2016, no immediate steps could be taken, for the reason that the concerned officer was initially busy with election duty and subsequently as there was Pandemic, the appeal was not filed within limitation and as such the delay has been caused.

4. The non applicant has filed his reply opposing the application for condonation of delay. However, after going through the reply, it is revealed that the respondent is not denying the fact that the concerned officer was busy in election duty and subsequently there was Pandemic.

5. In light of the fact that there is no specific denial of any of the averments made in the application seeking condonation of delay. I am of the opinion that the cause shown in the application for condonation of delay is sufficient and satisfactory. Accordingly, the application is allowed. Delay caused in filing Second Appeal is condoned.

6. The office is requested to register the Second Appeal and place the same for admission before this Court.

7. It be listed with Second Appeal Stamp No. 13663/2021

[ANIL S. KILOR, J.]

Jayashree