

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

**Civil Application (CAS) No. 1399/2018
In
Second Appeal Stamp No.21947/2018**

The Executive Engineer, M.I.D.C. Akola and other.

Versus

**Shaymrao Khubaji Rathod (Dead) thr. LRS Smt Purnabai Shyamrao
Rathod and others**

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

Court's or Judge's Order

Mrs. Haider, Assistant Government Pleader for the
appellant.

**CORAM : ANIL S. KILOR, J.
DATED : 17 NOVEMBER 2021**

This is an application for condonation of delay. There is a delay of 257 days in filing the second appeal in the case of payment of mesne profit. The applicants are government instrumentalities. It is submitted by the learned Assistant Government Pleader that sufficient cause has been shown in the application explaining the cause of delay in filling the second appeal.

2. This Court on 11th March, 2019, issued notice to the non-applicants and though the record shows that the non-applicants are served, today when the matter was called out, nobody appeared on behalf of the non-applicants nor reply is filed opposing the application.

3. In that view of the matter, for the reasons stated in the application, the application is allowed.

4. The delay caused in filing the Second Appeal is condoned.

5. The application is disposed of accordingly.

[ANIL S. KILOR, J.]