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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**923 CIVIL APPLICATION NO.2343 OF 2010  
IN FAST/258/2010**

**THE STATE OF MAH AND ANR  
VERSUS  
KANTRAO MANIKRAO DESHMUKH AND ORS**

...  
AGP for Applicants : Mr. G.O. Wattamwar

...

**CORAM : S.G. MEHARE, J.**

**DATED : 07<sup>th</sup> JUNE, 2022.**

**PER COURT:-**

1. Heard learned AGP for the applicants-State. The application against respondents nos.2 and 3 has been abated. Respondents nos.1 and 4 though served, have not caused their appearance.

2. Learned AGP would submit that the delay of 907 days is caused to prefer the appeal. The time was spent complying with the procedures to prefer the appeal, and the file had to go through various departments. The appellant has a good case on merit. The reference court has granted exorbitant enhancement without any substantial evidence. The interest of the Government shall be protected. No harm shall be caused to the respondents if the delay is condoned.

3. The reasons mentioned in the application sound just and proper. This court is of the view that the guidelines issued by the

Hon'ble Apex Court in the case of *Dhiraj Singh (Dead) Through Legal Representatives and Others Vs. State of Haryana and Others, (2014) 14 SCC 127*, applies to this case. Hence, the delay is liable to be condoned. Therefore, the following order:

ORDER

- I) The application is allowed.
- II) The delay of 907 days caused in preferring the appeal is condoned. No order as to costs.
- III) Issue fresh notice to respondents nos.1 and 4.
- IV) Call record and proceedings.
- V) List the appeal after eight weeks.

(S.G. MEHARE, J.)