

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 CIVIL APPLICATION NO.6752 OF 2019
IN SAST/13082/2019

SARASWATI KHANDU VIDHATE

VERSUS

THE STATE OF MAHARASHTRA THROUGH CHIEF SECRETARY AND
OTHERS

...

Advocate for Applicant : Mr. Bodkhe Bhaginath T.
Advocate for Respondents No. 1 & 2 : Mr. N.T. Bhagat.
Advocate for Respondent No. 3 : Mr. Kotkar Sachin S.

CORAM : MANGESH S. PATIL, J.
DATE : 19.04.2022.

PER COURT :

This is an application for condonation of delay of 623 days in filing the second appeal.

2. I have heard learned advocate for the applicant, learned A.G.P and the learned advocate for the respondent No. 3.

3. *Actus curiae neminem gravabit* is the well recognized principle. In paragraph No. 5 of the application it has been specifically averred that the papers went missing from the office of the learned advocate which had resulted in the delay. It is, therefore, quite clear that due to sheer mistake or error of the learned advocate the delay has caused. The fact has not been controverted by filing any reply.

5. A party should not suffer for the act of his advocate.

6. For the reasons mentioned in the application the delay does not

appear to be either intentional or deliberate.

7. Considering the nature of the dispute, the application is allowed. The delay is condoned. Second appeal be registered.

(MANGESH S. PATIL, J.)

mkd/-