

Sonali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3051 OF 2008
IN
REJECTED CASE NO.1461 OF 2005**

The State of Maharashtra ...Applicant
Versus
Shivram Mohan Waghmare (Deceased) ...Respondents
through legal heirs 1a.Shri Sushil Shivram
Waghmare & Ors

Mr. A. R. Patil, Addl. GP for the Applicant.
None for the Respondents.

CORAM Madhav J. Jamdar, JJ.
DATED: 26th February 2022

PC:-

1. Heard Mr. A. R. Patil, Additional GP for the Applicant-State.
2. Mr. Patil submitted that in the Civil Application sufficient explanation is given for the condonation of delay and therefore, the Application be allowed. He submitted that although the Respondents are served, however none appears

for the Respondents and therefore, the contentions raised in the Civil Application have remained uncontroverted.

3. However, it is to be noted that the First Appeal is filed challenging the judgment and award dated 28th February 1994 passed by the 2nd Joint Civil Judge, Sangli. The First Appeal is filed on 15th June 2004. Thus, delay is of more than 10 years. Although there is explanation given for certain period still it is sufficient to note that on 2nd December 1996, the resolution was passed by the Law and Judiciary Department, Mantralaya, resolving to file Appeal and Appeal has been filed in 2004, i.e. almost 8 years after the decision was taken to file Appeal.

4. There is no sufficient explanation in the Civil Application. Civil Application is dismissed with no order as to costs.

(Madhav J. Jamdar, J)