

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 3715 OF 2019
IN
FIRST APPEAL STAMP NO. 19897 OF 2019**

The State of Maharashtra

....Applicant/
Appellant

Versus

Vasant Ganpat patil

....Respondent

Ms. Tanaya Goswami, AGP for the Applicant/Appellant.
Mr. G. H. Keluskar, Advocate for the Respondent.

CORAM : S. G. DIGE, J.

DATE : 7th DECEMBER, 2022.

P.C. :

1. Heard learned AGP for the applicant and learned counsel for the respondent.

2. Learned AGP submits that delay of 1 year and 106 days is caused in filing this appeal. The said delay is caused as permission was required to be obtained from various authorities to file the appeal. She submits that this Court (Coram : Anuja Prabhudessai, J) by order dated 31st June, 2022 in Civil Application No. 3727 of 2019 has condoned the delay in connected appeal filed by the appellant. Hence, requested to allow the present application.

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3. Learned AGP tendered a copy of the letter dated 5th December, 2022, the same is taken on record.

4. Learned counsel for the respondent strongly objected to condone the delay as there is no sufficient explanation for the delay caused and, if this Court, is inclined to condone the delay, heavy cost be imposed on the applicant.

5. I have heard both learned AGP and learned counsel for the respondent. The applicant has preferred the appeal against the order passed by the reference court. It is the contention of the appellant that exorbitant compensation is awarded to the respondent, which is challenged by the appellant. This Court has condoned the delay in the connected group of matters. It is necessary to give an opportunity to the applicant to put its case. I, therefore, pass the following order :

1. The civil application is allowed subject to payment of cost of Rs.5000/- to the respondent.

6. The civil application is accordingly disposed of.

(S. G. DIGE, J.)