

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

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**Civil Application No. 736 of 2019  
In  
First Appeal (st) No. 22436 of 2017  
With  
Civil Application No. 737 of 2019  
In  
First Appeal (st) No. 22436 of 2017**

|                                     |     |             |
|-------------------------------------|-----|-------------|
| The State of Maharashtra & anr.     | ... | Applicants  |
| v/s.                                |     |             |
| Shri Sudesh Krihnakumar Kene & ors. | ... | Respondents |

Mr. A.R.Patil, AGP for the applicant.  
Mr. Jayesh Madhav Joshi for the respondent.

**CORAM : Anil S. Kilor, J**

**19<sup>th</sup> January 2022**

**P.C.**

Heard Shri Patil, the learned AGP for the State and Mr.Joshi for the respondent.

2. Shri Patil, the learned AGP submits that there is delay of 122 days in filing first appeal in challenging the Judgment and Award dt.21/09/2016 passed by the learned Joint Civil Judge Senior Division,

Alibag in Land Acquisition Reference No.72 of 2009.

3. It is submitted that the sufficient cause is shown in the application particularly in Paragraph-3 onwards which is sufficient for condonation of delay. It is further submitted that delay is not intentional but bonafide.

4. Shri Joshi, the learned counsel appearing for the respondents, opposes the application and prays for dismissal of the same.

5. After going through the application, more particularly, the reasons stated in Paragraph-3 onwards in the application, I find that the reasons given in the application are sufficient for condonation of delay. Accordingly, I pass the following order:

### **ORDER**

- i) The Application for condonation of delay is allowed.
- ii) The delay caused in filing First Appeal is condoned. The office is requested to register the First Appeal and place the same before the Court for admission.

**(Anil S.Kilor, J)**