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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1600 OF 2017(FOR DELAY)
AND
CIVIL APPLICATION NO.1601 OF 2017(FOR STAY)
IN

FIRST APPEAL(STAMP) NO.32340 OF 2016

The State of Maharashtra & Anr.] .. Applicants

vs.

Shri Arjun Kashiram Chaudhari]
(Deceased) Through LR's] .. Respondents

Mr.A.R. Patil, AGP for Applicants/State.

Mr.Vinit Ahuja, for Respondents.

CORAM : N.R.BORKAR, J.

DATE : 3RD FEBRUARY 2022

P.C.

1] This application at the instance of State is filed for condonation of delay in filing the First Appeal against the Judgment and Award dated 20.08.2014 passed by the learned Joint Civil Judge, Senior Division, Nashik in L.A.R. No.46 of 2005.

2] Heard the learned AGP for the Applicants and learned counsel for the respondents.

3] The learned AGP submits that delay of 1 year and 312 days is caused in filing the Appeal due to various procedural sanctions which

are required to be obtained to file appeal. It is submitted that delay caused in filing appeal may, thus, be condoned.

4] On the other hand, the learned counsel for the Respondents submits that the reasons assigned are not sufficient to condone the delay.

5] I have perused the averments made in the application. It appears that application for certified copy of the Judgment and Award was filed on 22.08.2014 and the copy was made available on 05.09.2014. Thereafter, a proposal to file appeal was forwarded to the Law and Judiciary Department on 11.11.2014. The sanction to file appeal thereafter came to be granted on 30.03.2016.

6] Though some promptness was required to be shown in filing appeal, however, considering the facts and circumstances, I am inclined to condone the delay in filing the Appeal. In the result, following order is passed :

- i] Civil Application for condonation of delay is allowed.
- ii] Delay in filing the First Appeal is condoned.
- iii] Office to register the First Appeal and it be listed alongwith the Civil Application No.1601 of 2017 for stay, in due course.
- iv] The respondents are at liberty to file reply to stay application.

[N.R.BORKAR, J]