

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION [CAF] NO.654 OF 2022

IN

FIRST APPEAL ST. NO.17358 OF 2021

[Harishchandra s/o Shamrao Dhaye .vs. The State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. S.K. Paunikar, Advocate for applicant-appellant,
Ms. T.H. Udeshi, AGP for respondent nos.1 and 2,
Shri Tariq Zaheer, Advocate for respondent no.3.

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CORAM : SMT. M.S. JAWALKAR, J.

DATE : 17/08/2022.

Present application is filed by the appellant for condonation of delay in filing the first appeal. The delay is of 4857 days. The reason put-forth by the applicant is that the appeal was handed over to one counsel for preparation of first appeal, however, the court fee asked by the counsel could not be arranged by the applicant. Thereafter, due to pandemic, the necessary arrangement could not be made. In view thereof, the delay is caused.

2. Learned counsel for the respondents vehemently opposed the application on the ground that the delay in filing the appeal is near about 4857 days and some of the amount of award is already received by the applicant and, therefore, this application is liable to

be dismissed.

3. Heard the learned counsel for both the parties.

4. It appears that only reason put-forth for causing the delay is the court fee which applicant could not be arranged within specific time due to pandemic.

5. Learned counsel for the applicant submitted that the similar matters arising out of the same award are pending before this Court. In view thereof, the application needs to be allowed, however, subject to costs and subject to condition.

6. Accordingly, application is allowed. The delay in filing first appeal is hereby condoned, subject to cost of Rs.10,000/- to be deposited in this Court within four weeks from today and subject to condition that the applicant will not be entitled for any interest for the delayed period, if compensation is enhanced.

Applications is disposed of.

[Smt. M.S. Jawalkar, J.]