

Ghuge

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

**INTERIM APPLICATION NO.1820 OF 2020
IN
FIRST APPEAL (ST.) NO.2649 OF 2020**

The Executive Engineer,
Gunjawani Project

... Applicant

V/s.

Nivrutti Ganpat Kokate, by his legal
heirs Sachin Nivrutti Kokate)
& Ors.

... Respondents

Mr. Sachin Gite with Mr. Sarfaraj Shaikh i/by Mr. C.A.
Deshmukh for the applicant.

Ms. Tanaya Goswami, AGP for the State.

Ms. Amrita Kharkar for the respondent.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 25, 2023

P.C.:

1. This is an application for condonation of delay of 1 year 117 days for filing First Appeal challenging Judgment and Award dated 26th February, 2018 in L.A.R. No.487 of 2000.
2. The applicant in paragraph 4 of the application has explained delay in filing the First Appeal.
3. Learned advocate for the claimant, objects for condonation of delay on the ground that the reasons mentioned in the application are not “sufficient cause” within the meaning of Section 5 of the Limitation Act, 1963.

4. I have considered the table mentioned in paragraph 4 of the application and I find explanation rendered in the application as sufficient to condone the delay. Moreover, the claimants have filed appeal for enhancement of compensation. In claimants appeal this Court would be required to consider the validity of the impugned Judgment and Order.

5. For the reasons stated, the applicant has made out a case for condonation of delay.

6. The Interim Application is, therefore, allowed in terms of prayer clause (a). No costs.

(AMIT BORKAR, J.)