

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

CIVIL APPLICATION (F) NO.3643 OF 2019

IN

FIRST APPEAL (ST) NO.4661 OF 2019

[Executive Engineer ..V/s.. Bhumeshwari W/o Makrandrao Patle and Ors.]

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

Court's or Judge's order

Mr N. M. Gaidhane, Advocate for Applicant/Appellant.
Mr R. M. Pande, Advocate for Respondent No.1.
Ms T. H. Udeshi, AGP for Respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 10th APRIL, 2023.

. Present application is by the applicant/appellant for seeking condonation of delay of 223 days, which is caused in preferring the appeal.

2. As per the contention of the appellant, the appellant is the statutory body, who has to obtain the approval from its higher officials before filing of the appeal. The approval was not received in time, and therefore, delay of 223 days is caused.

3. The said application is strongly opposed by Mr Pande, learned Advocate appearing for respondent No.1 on the ground that the delay is not properly explained, hence application deserves to be rejected. Learned Assistant Government Pleader for respondent Nos.2 and 3 has no objection for condonation of delay.

4. In view of the reasons mentioned in the application and in view of the well settled law that liberal approach is to be taken while considering the delay application to do substantial justice,

the delay of 223 days is condoned. Appeal be registered and numbered accordingly.

5. Civil application is disposed of accordingly.

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6. **Admit.**

7. Call for Record and Proceedings.

8. Mr Pande, learned Advocate for respondent No.1 waives notice for respondent No.1 and Learned Assistant Government Pleader waives notice for respondent Nos.2 and 3.

9. Appellant to file the private paper-book within ten weeks after receipt of record and proceedings.

10. To be tagged alongwith First Appeal No.208 of 2019.

11. Both the appeals be placed before the Court after filing of the private paper-book, its verification, as per its own turn.

JUDGE