



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

CIVIL APPLICATION NO.868 OF 2021

IN

FIRST APPEAL ST NO. 4662 OF 2021

Executive Engineer, Minor Irrigation Division, Wardha
.Vs.

Smt. Kamlabai Ajabrao Lonkar and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Shri N.M. Gaidhane, Advocate for the appellant.
Ms S. Najbile, Advocate for respondent Nos.1 to 3.
Shri M.A. Kadu, AGP for respondent Nos.4 and 5.

CORAM : G.A. SANAP, J.

DATE : 05/09/2023

This is an application made by the applicant/appellant for condonation of 1187 days delay caused in filing an appeal against the judgment and award passed by the Civil Judge Senior Division, Hinganghat.

2. Heard learned Advocate for respondent Nos.1 to 3 and learned AGP for respondent Nos.4 and 5.

3. Learned Advocate for respondent Nos.1 to 3 submits that Court may pass an appropriate order.

4. Learned AGP for the State has no objection to condone the delay.

5. It is stated that due to administrative procedural grounds the delay has caused. It was not intentional. The procedural delay has occurred due to lack of communication between officers.

6. In the facts and circumstances, the application is allowed subject to cost of Rs.5000/- (Rs. Five Thousand Only).

7. The cost be paid to the Saving Bank Account M/s the High Court Gazetted Officers Association, Nagpur (SB General) within four weeks. Delay of 1187 days caused in filing the appeal is condoned.

8. Appeal be registered.

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9. Admit.

10. Ms S. Najbile, learned Advocate waives service of notice on behalf of respondent Nos.1 to 3.

11. Shri M.A. Kadu, learned AGP waives service of notice on behalf of respondent Nos.4 and 5.

12. Call record and proceedings.

13. Paper book be filed within 12 weeks from the date of receipt of record and proceedings.

14. If paper book is not filed within 12 weeks from the date of receipt of record and proceedings, the appeal shall stand dismissed without further reference to the Bench.

(G. A. SANAP, J.)