

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

Writ Petition No. 4582 of 2018
ASG Computers Pvt.Ltd. and another
Vs.
The State of Maharashtra and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr.Abhay Sambre, counsel for the Petitioners.
Mr.K.L.Dharmadhikari, AGP for respondent Nos.1 and 2.

CORAM : ANIL S. KILOR, J.

DATED : 06.01.2023.

In this petition, the judgment and order dated 25/09/2017, passed by the District Judge-3, Buldhana in Miscellaneous Civil Application No.71 of 2015 is under challenge, whereby the delay of 331 days in preferring the appeal against the judgment and decree dated 30/09/2014, passed by the Civil Judge, Senior Division Buldhana in Special Civil Suit No.32 of 2006 is condoned.

2. The learned counsel for the petitioners submits that Exhibit-36, i.e. the legal opinion of the Additional Government Pleader, Buldhana, wherein it

is opined that no appeal should be filed and further he also pointed out last date of filing of the appeal and the amount required towards stamp duty. It is submitted that despite it, the appeal was filed belatedly along with the application for condonation of delay. He, therefore, submits that the learned Lower Appellate Court without considering the said aspect, allowed the application and thereby committed error.

3. On the other hand, the learned AGP submits that the Government and the private litigant cannot be treated at par and after obtaining the opinion, certain process was required to be followed, which is mentioned in the application for condonation of delay.

4. I have perused the impugned judgment and order. In the impugned judgment and order, the learned Lower Appellate Court has taken note of the efforts taken by the respondents. The learned Lower Appellate Court has also referred to the communications made in that regard and after considering the material, the Court has found that the sufficient cause has been shown by the State for condoning the delay.

5. In the circumstances, I do not find any perversity in the impugned judgment and order. Accordingly, the writ petition is dismissed. No order as to costs.

[ANIL S. KILOR, J.]