

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

**INTERIM APPLICATION NO. 16971 OF 2023
IN
FIRST APPEAL (ST) NO. 3864 OF 2023**

Kirti Agro. Company Ltd. Through Its Director ... Appellants/Applicants
Kirtikumar Vishnudas Bhutada & Ors.

Vs.

The Executive Engineer, Solapur And Ors. ... Respondents

Adv. Hrishikesh Sopan Shinde, for the Appellant/Applicant.

Mr. A. R. Patil, AGP for the Respondent/State.

Adv. Sarfaraj J. Shaikh, i/by Adv. Sachin S. gite, for the Respondent No. 1.

CORAM : KISHORE C. SANT, J.

DATE : 13th March, 2024

P.C.:-

1. Respondent No. 1 is represented by learned Advocate.

Respondent Nos. 2 to 4 are represented by learned AGP

2. Heard, this Application is for condonation of delay of 283 days caused in filing the First Appeal. The First Appeal is against the Judgment of the Reference Court dismissing the Reference with costs. It is stated that the proceeding was filed through power of attorney holder who was in the employment of the Appellant. However the said power of attorney later on left the job without informing about the order impugned in this Appeal. The Appellant when made an inquiry with the Advocate who was conducting the proceedings came to know that the Reference is already dismissed by

Order dated 13.01.2020. It is only thereafter the Applicant got the knowledge of the Order on appeal on 25.03.2023.

3. Learned Advocate for the Respondent opposes the Application stating that there is no proper and sufficient cause shown for delay.

4. This Court finds that sufficient cause is made out for condoning the delay. As the Applicant had no knowledge about the impugned Judgment and Order, hence the following Order:

5. Application stands allowed. The delay of 283 days is condoned. Office to register the Appeal.

6. The Application stands disposed of.

(KISHORE C. SANT, J.)