

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 17 OF 2025
IN
FIRST APPEAL (St.) NO. 14130 OF 2007

The State of Maharashtra

...Applicant.

Versus

Nivrutti Sopana Borate and Another

...Respondents.

Mr. Mayur Sonavane, AGP for Appellant-State.
None for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : 17th March, 2025.

P. C. :

1. Civil Application has been preferred seeking condonation of delay of 168 days caused in preferring the First Appeal.
2. Office noting indicates that Respondent Nos. 1 and 2 are duly served.
3. Today, none appears for the Respondent.
4. Mr. Sonavane, learned AGP would point out Paragraph No. 2 of the Application, which sets out the reason for condonation of delay as the file was put up before Law and Judiciary Department, Mantralaya for obtaining sanction for filing Appeal, which was sanctioned on 5th February, 2007. He submits that as such, there is sufficient explanation

for delay.

5. Perusal of Paragraph No. 2 of Application would indicate that certified copies of judgment and award were received on 9th October, 2006 and on 18th December, 2006, file was forwarded to Law and Judiciary Department, Mantralaya for necessary sanction, which was received only on 5th February, 2007 and thereafter, the Appeal came to be filed.

6. Considering the admitted position that without the sanction of Law and Judiciary Department, Mantralaya, the award of Reference Court could not have been challenged before this Court, which sanction was received only on 5th February, 2007, delay of 168 days has been sufficiently explained and thus, stands condoned.

7. Civil Application is allowed.

[Sharmila U. Deshmukh, J.]