

Order below Exh. 01 Civil M.A.No. 06/2020
Superintending Engineer & Ors Vs. Dr. Subhash
(CNR No.MHPA040002592020)

(1) As per Section 5 of the Limitation Act, the applicant filed present application to condone delay about 8 Months 13 days caused in filing appeal against impugned order dated 10.05.2019 passed below Exh. 5, in RCS. No. 50/2019 passed by the Jt. Civil Judge Junior Division Hingoli, thereby granting temporary injunction under Order 39 Rule-1 and 2 of the Civil Procedure Code, thereby directing the appellants to restore electricity supply to the respondent on depositing amount of Rs. 3,00,000/- towards arrears of electricity bill.

(2) Respondent is served with notice at Exh. No. 6, but he did not appear, therefore application heard exparte.

(3) The applicants have stated that, in order to file the appeal appellants sent proposal to their higher officers calling their opinion and approval, but they took time for sending the opinion and approval. Therefore, the delay has been caused in filing appeal. The appellants are the public bodies. Therefore, they have to seek opinion from their higher officer about feasibility to file the appeal, hence delay has been caused in filing appeal due to the receipt of the opinion of the higher officers belatedly. As such in my view the applicants have shown sufficient cause to condone the delay about 8 months 13 days, caused in filing present appeal. Therefore, I am inclined to condone the delay and pass following order.

O r d e r

(1) Miscellaneous Civil Application No. 06/2020 is allowed.

- (2) Delay about 8 Months 13 days caused in filing appeal against impugned order dated 10.05.2019 below Exh. 05 in R.C.S. No. 50/2019 passed by the Jt. Civil Judge, Junior Division Hingoli, is condoned.

Date: 25.03.2021.

(N.B.Shinde)
District Judge-1, Hingoli.