

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Civil Application No. 2118 of 2015
(In First Appeal Stamp No. 2706 / 2015)

Sow. Meena s/o. Ajit Kamdar.

.. Applicant.

versus

The State of Maharashtra,
Through Collector, Latur,
& another.

.. Non-applicants.

.....

Mr. S.S. Manale, Advocate, for the applicant.

*Smt. S.S. Raut, Assistant Government Pleader, for
non-applicant no.1.*

Mr. D.V. Soman, Advocate, for non-applicant no.2.

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CORAM : A.M. BADAR, J.

DATE : 16TH NOVEMBER 2015

PER COURT :

1. Heard the learned Counsel appearing for the parties.
2. The learned Counsel appearing for the applicant submits that the delay of about 749 days in filing the First Appeal has occasioned because of illness of the applicant. The learned Counsel appearing for the non-applicant submits that this cannot be ground for condoning delay.

3. In order to show her bona fide, the learned Counsel for the applicant submitted that the applicant will waive the statutory benefit for the period of delay and he shall submit Pursish to that effect within four weeks from today.

4. The application is accompanied by medical certificate. The applicant has shown her bona fides by waiving the statutory benefits for the period of delay. The averments in the application are not controverted by filing counter affidavit. Hence, the application deserves to be allowed.

5. Hence, I pass the following order :-

(a) The Application is allowed and the delay in filing the First Appeal is condoned.

(b) The Appeal be registered and numbered.

6. The Application stands disposed of accordingly.

(A.M. BADAR)
JUDGE

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