

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**6 CIVIL APPLICATION NO. 16365 OF 2015  
IN FAST/26370/2015**

RASUL NAWAJ KHUTEPHAD  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr.Patil Kuldeep S  
AGP for Respondent State:Mr.N.T.Bhagat  
Mr.Bhalerao Sudhir G., Adv., for respondent no.3.

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CORAM : P.R. BORA, J.  
Dated: April 12, 2016  
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PER COURT :-

1. Heard learned Counsel for the applicant and learned Counsel appearing for the respondents.
2. Learned Counsel appearing for the respondents have opposed the application seeking condonation of delay stating that the causes stated therein are not sufficient for condonation of delay.
3. In paragraph no.2 of the application, the applicant has stated that he is an old aged and illiterate person and was also lacking funds. It is further stated that he is a daily wager and could not manage even necessary amounts so that he could have filed the appeal at earlier stage. It appears to me that the delay, which has occurred in filing the appeal is not intentional. In such circumstances, it appears to me that the appellant needs to be given an opportunity to contest his matter on merits. I am, therefore, inclined to allow the present application. Hence, following order.

ORDER

- A) Delay is condoned. Civil Application is allowed.
- B) The appeal be registered.
- C) Call for R & P.

( P.R. BORA, J. )

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AGP/-