

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

935 CIVIL APPLICATION NO. 734 OF 2017
IN FAST/478/2017

PANDURANG SHYAMRAO AINULE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicants : Mr. Sontakke Gajanan K And P.
G. Sontakke

AGP for Respondent State: Mr. S. S. Dande
Advocate for Respondent No.3 :Mr. Ram Deshpande

CORAM : K. L. WADANE, J.

DATE : 8th August, 2017

ORDER:

1. Heard learned counsel for the applicant, learned AGP for respondents 1 and 2 and Mr. Deshpande, learned counsel for respondent No.3.

2. This is an application for condonation of delay of 953 days caused in filing an Appeal against the judgment and award dated 26.02.2014 passed by the Reference court in LAR No. 40/2016.

3. Mr. Sontakke, the learned counsel for the applicant submits that the applicant is financially poor and he was unable to pursue the proceeding due to poverty. Learned counsel for respondent No.3 opposed the application on the ground that there is inordinate delay in filing the present appeal. The delay caused

in filing the appeal is not accidental and it is an intentional.

4. In view of the observations made by the Supreme Court in the case of **Ramanlal Deochand Shah Vs. State of Maharashtra and another, reported in AIR 2013 SC 3452**, the delay can be condoned on the condition that in case the appellant is succeeded in the first appeal, then he will not be entitled for the amount of interest on monetary benefits and/or other statutory benefits for the period of delay.

5. In view of the above, the delay caused in filing the appeal is hereby condoned. Civil application is accordingly disposed of.

6. First Appeal be registered. After registration of the Appeal, issue notice to the respondents. Learned AGP waives service of notice for respondent No.1 and 2. Mr. Deshpande, the learned counsel waives notice for respondent No.3.

7. Call for record and proceeding.

(K. L. WADANE, J.)

JPC