

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

**CIVIL APPLICATION NO. 5023 OF 2017
IN FAST/3567/2017**

**RAM DHONDIBA BOYANE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, LATUR AND
ORS**

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Advocate for Applicant : Patil Shashikiran N.
AGP for Respondents : Mr. S.S.Dande

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**WITH CA/5025/2017 IN FAST/3569/2017
WITH CA/5024/2017 IN FAST/3560/2017
WITH CA/5021/2017 IN FAST/3518/2017
WITH CA/5026/2017 IN FAST/3565/2017**

CORAM : K.L.WADANE, J.

DATED : 19th September, 2017

O R D E R :

Notice to the respondents. Learned A.G.P. and learned counsel waive service of notice for respective respondents.

2. These are the applications for condonation of delay of 2125 days caused in filing First Appeal. On perusal of the applications, it appears that the applicants are residents of remote area and have no knowledge of legal

proceedings. They are also aged persons. As they were prevented from certain causes, such as, financial constraints to prefer appeals within limitation. However, the inaction and/or negligence on the part of applicants to some extent, is responsible for causing such inordinate delay.

3. Learned A.G.P. for the respondents/State strongly resisted the applications on the ground that the delay has not been explained satisfactorily. In the alternate, they submit that delay may be condoned on the condition that if the applicants succeed in the appeals, the applicants shall not be entitled for the amount of interest and/or other statutory benefits of the period for which delay is sought to be condoned.

4. In view of above and in the light of observations made by the Supreme Court in para 14 of the judgment in the case of **Ramanlal Deochand Shah vs State of Maharashtra and another**, reported in **AIR 2013 SC 3452**, Civil Applications for condonation of delay are allowed. Delay in filing

the appeals is hereby condoned on the condition that the applicants shall not be entitled for the amount of interest and/or other statutory benefits of the period for which delay is sought to be condoned.

5. Civil Applications are disposed of.

(K.L.WADANE, J.)

dbm