

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

957 CIVIL APPLICATION NO. 5504 OF 2015
IN FAST/3624/2015

NANDKISHOR VISHWANATH CHOUDHARI DIED THR HIS LRS
SANGEETA NANDKISHOR CHOUDHARI AN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Jayabhar Dattatraya R.
AGP for Respondents No. 1 and 2 : Mr. A.M. Phule.
Advocate for Respondent No. 3 : Mr. S G Chincholkar.

CORAM : K. L. WADANE, J.

DATE : 6th October, 2017

ORDER:

1. This is an application for condonation of delay. Perused the contents of the application. It appears that the applicants were prevented from certain causes such as financial constrain. Therefore, they were unable to prefer the appeal within prescribed period of limitation.

2. Learned counsels appearing for the respondents have opposed the application, as the delay has not been explained satisfactorily.

3. In view of the submissions made by the respective counsels and in view of the observations of Supreme Court in the case of **Ramanlal Deochand Shah v/s. State of Maharashtra, and another, reported in AIR**

2013 SC 3452, the application for condonation of delay is allowed. Delay caused in filing the appeal is hereby condoned. The applicants shall not be entitled for the amount of interest, other statutory benefits for the period for which the delay is sought to be condoned.

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

5. First Appeal be registered. After registration of Appeal, issue notice to the respondents. The learned A.G.P. waives service of notice for the respondents No. 1 and 2.

6. Call record and proceedings.

(K. L. WADANE, J.)

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