

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

**CIVIL APPLICATION NO. 12668 OF 2013
IN
FAST/7732/2013
WITH CA/12669/2013 IN FAST/7735/2013
WITH CA/12670/2013 IN FAST/7751/2013
WITH CA/12671/2013 IN FAST/12978/2013**

**KHANDU BAPU ZAGADE, L.RS. MOHAN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicants : Jayabhar Dattatraya R.
And D.A. Bide

AGP for Respondent no.1 : Mr. B.A.Shinde
Advocate for Respondent no.2 : Mr.S G Chincholkar

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CORAM : K.L.WADANE, J.

DATED : 13th September, 2017

O R D E R :

Heard learned counsel appearing for the applicants.

2. These are the applications filed by the appellant for condonation of delay of 3099 days caused in filing First Appeal.

3. The application is opposed by the respondents on the ground that there is unexplained huge delay.

4. From the contents of the application, it

appears that the judgment and order was delivered on 18.6.2004, however, due to financial condition and lack of knowledge of legal proceedings, the applicants could not approach this Court to file appeal.

5. There is some negligence on the part of the applicants in prosecuting the proceedings. However, in view of the observations in the case of **Ramanlal Deochand Shah vs State of Maharashtra and another**, reported in **AIR 2013 SC 3452**, delay can be condoned on certain condition.

6. Hence, the applications are allowed. Delay stands condoned. The applicants are not entitled for the monetary benefits/interest for the period of delay which is sought to be condoned.

7. Civil Applications are disposed of.

(K.L.WADANE, J.)

dbm