

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

CIVIL APPLICATION NO. 5904 OF 2015

IN

FAST/7644/2015

PRABHU LAXMAN JAGTAP

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Ingale Vivekanand V.

AGP for Respondents 1 and 2 : Mr. B.A.Shinde

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CORAM : K.L.WADANE, J.

DATED : 8th September, 2017

O R D E R :

Notice to the respondents. Learned A.G.P. and learned counsel waive service of notice for respondents 1 and 2.

2. On perusal of the application, it appears that the applicant is prevented from certain causes, such as, financial constraints to prefer appeal within limitation. However, the inaction and/or negligence on the part of applicant to some extent, is responsible for causing such inordinate delay.

3. Learned A.G.P. for the respondent/State acquiring body strongly resisted the application

on the ground that the delay has not been explained satisfactorily. In the alternative, it is submitted that delay may be condoned on the condition that if the applicant succeeds in the appeal, the applicant 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 Application for condonation of delay is allowed. Delay in filing the appeal is hereby condoned on the condition that the applicant 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 Application is disposed of.

6. In first appeal, issue notice to the respondents, returnable on 26.9.2017.

7. Learned A.G.P. and learned counsel waive notice for respondent nos. 1 and 2 on admission.

8. Call for Record and Proceedings.

(K.L.WADANE, J.)

dbm