

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

**CIVIL APPLICATION NO. 12736 OF 2013
IN
FAST/10846/2013**

**INDUBAI BABURAO THETE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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

AGP for Respondent no.1 : Mr. S.S.Dande Adv. 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 applicant.

2. This is an application filed by the appellant for condonation of delay of 3122 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 applicant could not approach this Court to file appeal.

5. There is some negligence on the part of the applicant 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 application is allowed. Delay stands condoned. The applicant is not entitled for the monetary benefits/interest for the period of delay which is sought to be condoned.

7. Civil Application is disposed of.

(K.L.WADANE, J.)

dbm