

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
973 CIVIL APPLICATION NO. 7097 OF 2017
IN FAST/13037/2017**

**TUKARAM VITOBA BIJAMWAR AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

...

Advocate for Applicants : Mr.Nagarkar Kiran M.
AGP for the respondents 1 to 3: Mr. S. S. Dande

CORAM : K. L. WADANE, J.

DATE : 11th August, 2017

ORDER:

1. Heard learned counsel for the applicants and learned AGP for the State.

2. This is an application for condonation of delay of 1814 days in filing the appeal. The application is opposed by the learned AGP on the ground that there was some negligence on the part of the appellant.

3. From the grounds stated in the application, it appears that the appellant was prevented by certain causes to file the appeal including financial clutches. Therefore in view of the observations made by the Supreme Court in the case of **Ramanlal Deochand Shah Vs. State of Maharashtra and another, reported in AIR 2013 SC 3452**, the delay can be condoned on the condition that in case the appellant is succeeded in

the first appeal, then he will not be entitled for the amount of interest or monetary benefits and/or other statutory benefits for the period of delay.

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 the Appeal, issue notice to the respondents returnable on 06.10.2017. Learned AGP waives service of notice for the respondents.

(K. L. WADANE, J.)

JPC