

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

72 CIVIL APPLICATION NO. 7086 OF 2017
IN FAST/13396/2017

RAMKISHAN RAIBHAN BAKAL (DIED) THR LRS NANDABAI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicants : Mr. More Shubhangi D.
AGP for Respondents No. 1 to 3 : Mr. A.M. Phule.
Advocate for Respondents 4 & 5 : Mr. S.R. Deshpande.

CORAM : K. L. WADANE, J.

DATE : 11th September, 2017

ORDER:

1. This is an application for condonation of 1237 days delay for filing appeal. Learned counsel appearing for the applicants submits that, the appellant/applicant No. 1A is a elder lady facing financial problems. So also, she was unaware about the legal position to file appeal. Therefore, for the reasons stated in the application the above mentioned delay has been caused.

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 counsels appearing for the respondents waives service of notice for the respondents.

6. Call record and proceedings.

(K. L. WADANE, J.)

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