

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

31 CIVIL APPLICATION NO. 8039 OF 2017
IN FAST/14422/2017

JAITANBAI MADANLAL KANKARIYA (DECEASED) SAJJANBAI
(DECEASED) THR LRS DHANRAJ AND
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicants : Mr. Jain Gajendra D.
AGP for Respondents No. 1 and 2 : Mr. S.S.Dande.

CORAM : K. L. WADANE, J.

DATE : 11th September, 2017

ORDER:

1. This is an application for condonation of delay of 1859 days caused for filing appeal.

2. Heard Mr. Jain learned counsel appearing for the applicants and Mr. S.S. Dande, learned A.G.P. for the respondents No. 1 and 2.

3. On perusal of the contents of the application it appears that, original claimants namely Jaitanbai and Sajjanbai were suffering from various diseases. Their health was not good for long period. Due to financial condition and personal difficulties the applicants could not file the first appeal within time.

4. Learned A.G.P. opposes the application on the ground of huge delay and submitted that the delay is not properly explained.

5. In view of the grounds mentioned in the application and 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.

6. In view of the above, the delay caused in filing the appeal is hereby condoned. Civil application is accordingly disposed of.

7. First Appeal be registered. After registration of Appeal, issue notice to the respondents. The learned A.G.P. waives service of notice for the respondents NO. 1 and 2.

8. Call record and proceedings.

9. Stand over to 06.11.2017.

(K. L. WADANE, J.)

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