

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

**78 CIVIL APPLICATION NO. 7816 OF 2017
IN FAST/16135/2017**

**NARSOBA ANDAPPA WAGHMARE (DEAD) THR LRS MESA AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

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**Advocate for Applicants : Mr. D.A. Madake, H/f Mr.
Kulkarni Mukul S.**

AGP for Respondents No. 1 & 2 : Mr. A.M. Phule.

CORAM : K. L. WADANE, J.

DATE : 11th September, 2017

ORDER:

1. This is an application for condonation of delay. Perused the contents of the application. It appears that the applicant/s was/were prevented from certain causes such as financial constrain. Therefore, he/they was/were unable to prefer the appeal within prescribed period of limitation.

2. Learned A.G.P. 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 A.G.P. waives service of notice for the respondents No. 1 and 2.

6. Call record and proceedings.

(K. L. WADANE, J.)

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