

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

CIVIL APPLICATION NO. 16891 OF 2015
IN FAST/15024/2015
WITH CA/16892/2015 IN FAST/16526/2015
WITH CA/16893/2015 IN FAST/16528/2015
WITH CA/16894/2015 IN FAST/16524/2015
WITH CA/16896/2015 IN FAST/16520/2015

SURYAKANT RAMKISHAN MARLAPALLE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicant : Bhavthankar Vivek
Vasantrao
AGP for Respondents 1 and 2 : Mr. A.M.Phule
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CORAM : K.L.WADANE, J.
DATED : 22nd September, 2017

O R D E R :

These are the Applications filed by the applicants/claimants for condonation of delay caused in filing First Appeal.

2. On perusal of the applications, it appears that after the judgment and award passed by the Reference Court, the applicants have approached local advocate at Latur and after calculating the expenditure including court fee for filing appeals and after collecting certified copies made arrangements of money and came to Aurangabad and

filed appeals. In that process, delay has been caused. However, the inaction and/or negligence on the part of applicants to some extent, is responsible for causing such inordinate delay.

3. Learned A.G.P. for the respondent/State strongly resisted the applications on the ground that the delay has not been explained satisfactorily. In the alternate, it is submitted that delay may be condoned on the condition that if the applicants succeed in the appeals, the applicants shall not be entitled for the amount of interest and/or other statutory benefits of the period for which delay is sought to be condoned.

4. In view of above and in the light of observations made by the Supreme Court in para 14 of the judgment in the case of **Ramanlal Deochand Shah vs State of Maharashtra and another**, reported in **AIR 2013 SC 3452**, Civil Applications for condonation of delay are allowed. Delay in filing the appeals is hereby condoned on the condition that the applicants shall not be entitled for the amount of interest and/or other statutory benefits

of the period for which delay is sought to be
condoned.

5. Civil Applications are disposed of.

(K.L.WADANE, J.)

dbm