

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

**CIVIL APPLICATION NO. 8517 OF 2017
IN X-OBJST/20151/2017**

SHIVDAS MAHIPAT KOLI
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicant : Patil R.C. And S.V.
Bhosale

Mr. B.A.Shinde, A.G.P. for resp.no.1

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CORAM : K.L.WADANE, J.

DATED : 8th September, 2017

O R D E R :

This is an application for condonation of delay of 3153 days caused in filing Cross-Objections.

2. The reason for delay is that the applicant belongs to Koli caste. After acquisition of the land, the applicant became landless and applicant is earning livelihood by doing labour work. For that purpose the applicant has to shift from one place to another for cutting sugarcane.

3. First Appeal No. 1314 of 2017 is already admitted arising out of the judgment and order passed by the Reference Court. Therefore, already

in appeal this Court is required to examine evidence adduced by both the parties. In such situation, the questions/grounds raised in Cross-Objections in the same matter can be examined.

4. Therefore, in the interest of justice, I am of the opinion that delay caused in filing Cross-Objections to the extent of 3153 days can be condoned 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.**

5. In view of the above, the delay caused in filing the Cross-objections is hereby condoned. Civil application is accordingly disposed of.

6. Cross-objections be registered. After registration of the Cross-objections, issue notice to the respondents. Learned AGP waives service of notice for respondent/State.

(K.L.WADANE, J.)

dbm