

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

CIVIL APPLICATION NO. 1515 OF 2013
IN FAST/22722/2012

RAGHUNATH WAMAN NIKAM
VERSUS
THE STATE OF MAH AND ANOTHER

...
Advocate for Applicant : Mr. P. P. Dawalkar.
AGP for Respondents No.1 : Mr. B. V. Virdhe.
...

CORAM : K.K. SONAWANE, J.

DATED : 02ND NOVEMBER, 2017.

Order :-

Heard learned counsel for applicant and learned AGP for respondent State. Despite service of notice, none appears for respondent No.2 - The C.E.O., Zilla Parishad, Beed.

2. This is an application for condonation of delay for filing First Appeal against the impugned Judgment and Award passed by learned Civil Judge, Senior Division, Beed dated 05-04-2012. According to the learned counsel for applicant, the connected appeals filed in regard to the same Award have already been admitted for final hearing on merit. The applicant is the poor agriculturist and due to unavoidable circumstances, he could not prefer the appeal within the stipulated period. The delay is not intentional or deliberate, but caused due to the unavoidable circumstances. Hence, he prayed to condone the delay.

3. In view of the nature of subject matter and reasons mentioned in the application, I do not find any impediment to condone the delay for providing the reasonable opportunity to the applicant to ventilate his grievance before the Appellate Forum for redressal. It would not cause injustice and prejudice to respondents. In contrast, it would sub-serve the interest of justice. Hence, the application for

condonation of delay deserves to be allowed. In sequel, the application stands allowed in terms of prayer clause (b). Delay of 51 days caused in filing First Appeal against the impugned judgment and award is hereby condoned. Registry to take requisite steps for further process.

4. On registration of appeal, issue notice to the respondents No.1 and 2, returnable on 5th December, 2017.

5. The learned AGP waives service of notice for respondent No. 1.

[K. K. SONAWANE]
JUDGE

rrd.