

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

CIVIL APPLICATION NO. 10756/2017 IN FAST/25508/2017
WITH CA/10757/2017 IN FAST/25506/2017
WITH CA/10758/2017 IN FAST/25510/2017
WITH CA/10761/2017 IN FAST/23223/2017
WITH CA/10762/2017 IN FAST/24168/2017
WITH CA/10765/2017 IN FAST/23196/2017
WITH CA/10783/2017 IN FAST/24784/2017
WITH CA/10801/2017 IN FAST/24170/2017
WITH CA/10802/2017 IN FAST/24172/2017

BAPURAO UMRAO MUNDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Appellant : Mr. Devakate Anant R
AGP for Respondents 1 and 2 : Mr. A. M. Phule
Advocate for respondent No.3: Mr. S. G. Karlekar

CORAM : K. L. WADANE, J.

DATE : 25th September, 2017

ORDER:

1. Heard.

2. These are applications for condonation of delay of caused in filing Appeals against the impugned judgment and award.

3. Mr. Devkate, the learned counsel for the applicant submits that the applicants are financially poor and they were unable to pursue the proceeding due to poverty. Learned counsel for respondent No.3 opposed the application on the ground that there is inordinate delay in filing the present appeal and it has not been explained satisfactorily. The delay caused in filing the appeals is not accidental

and it is an intentional. In the alternate, the learned counsel submits that if the applicants succeed, they shall not be entitled for the amount of interest and/or other statutory benefits for the period for which the delay sought to be condoned.

4. 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**, the delay can be condoned on the condition that in case the appellants succeed in the first appeals, then they/he will not be entitled for the amount of interest on monetary benefits and/or other statutory benefits for the period of delay and it is accordingly condoned.

5. Civil applications are disposed of.

6. First Appeals be registered. After registration of the Appeals, issue notice to the respondents. Learned AGP waives service of notice for respondent No.1 and 2. Mr. Karlekar, the learned counsel waives notice for respondent no.3.

7. Stand over to 04.12.2017.

8. Call for record and proceeding.

(K. L. WADANE, J.)

JPC