

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

41 CIVIL APPLICATION NO. 5442 OF 2014
IN FAST/24609/2013 WITH CA/5443/2014 IN FAST/24611/2013

DIGAMBAR HANMANT GORE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Gunale V.D.
AGP for Respondent No. 1 : Mr. S.S. Dande.
Advocate for Respondent No. 2 : Mr. Balaji Lipne, H/f
Advocate Mr. Anand Chawre.

CORAM : K. L. WADANE, J.

DATE : 16th August, 2017

ORDER:

1. This is an application for condonation of delay. Perused the contents of the application. It appears that the applicants were prevented from certain causes such as financial constrains etc. Therefore, they were unable to prefer the appeal within prescribed period of limitation. However, the inaction and the negligence on the part of the applicants is there to some extent.

2. Learned A.G.P. appearing for the respondents No. 1 and learned counsel appearing for respondent No. 2/Acquiring Body have objection to condone the delay.

3. Mr. Gunale, learned counsel submits that, the delay caused for filing appeal in the connected matters

is already condoned by this Court.

4. In view of the above, and in the light of the 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 A.I.R. 2013 SC 3452**, the civil application for condonation of delay is allowed. Delay in filing the appeal is hereby condoned on the condition that the applicants shall not be entitled for the amount of interest and other statutory benefits of the period for which delay sought to be condoned.

5. Civil applications for condonation of delay are accordingly disposed of.

6. In first appeals, issue notice to the respondents. The learned A.G.P. waives notice for respondent No. 1 in both the matters. Mr. Lipne learned counsel, H/f Mr. Chawre learned counsel, waives service of notice for the respondent No. 2, in both the matters.

7. Call record and proceedings.

(K. L. WADANE, J.)

mkd