

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

9932 CIVIL APPLICATION NO. 15745 OF 2013
IN FAST/24831/2013 WITH CA/15746/2013 IN
FAST/24700/2013 WITH CA/15747/2013 IN FAST/24697/2013

PUSHPABAI JAGANNATH SHINDE AND OTHERS
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr. Natu Sharad V.

AGP for Respondents: Mr. A. M. Phule

CORAM : K. L. WADANE, J.

DATE : 1st September, 2017

ORDER:

1. Heard learned counsel for the applicants, learned AGP for respondent No. 1 in all the applications.

2. These are applications for condonation of delay of 1344 days caused in filing an Appeal against the judgment and award dated 30.09.2009 passed by the Reference court in LAR No. 353/2005.

3. Mr. Natu, the learned counsel for the applicants submits that the applicant are financially poor and they were unable to pursue the proceeding due financial clutches. Learned AGP opposed the applications on the ground that there is inordinate delay in filing the present appeals. The delay caused in filing the appeals is not accidental and it is an intentional.

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 appellant is succeeded in the first appeal, then he will not be entitled for the amount of interest on monetary benefits and/or other statutory benefits for the period of delay.

5. In view of the above, the delay caused in filing the appeals is hereby condoned. Civil applications are accordingly disposed of.

6. First Appeals be registered. After registration of the Appeals, issue notice to the respondents. Learned AGP waives service of notice for respondents.

7. Call for record and proceeding.

(K. L. WADANE, J.)

JPC