

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
931 CIVIL APPLICATION NO. 14657 OF 2013
IN FAST/27381/2013**

**BABU SOPAN SHIRSATH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Applicant : Mr. Sakolkar Vijay G.
AGP for Respondent State: Mr. A. M. Phule
Advocate for Respondent No.2 : Mr. P. R. Tandale-Absent

CORAM : K. L. WADANE, J.

DATE : 1st September, 2017

ORDER:

1. Heard learned counsel for the applicant, learned AGP for respondent No. 1. None appears for respondent No.2.

2. This is an application for condonation of delay of 2533 days caused in filing an Appeal against the judgment and award dated 31.07.2006 passed by the Reference court in LAR No. 744/2002.

3. Mr. Sakolkar, the learned counsel for the applicant submits that the applicant is financially poor and he was unable to pursue the proceeding due to poverty. Learned AGP opposed the application on the ground that there is inordinate delay in filing the present appeal. The delay caused in filing the appeal 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 appeal is hereby condoned. Civil application is accordingly disposed of.

6. First Appeal be registered. After registration of the Appeal, issue notice to the respondents. Learned AGP waives service of notice for respondent No.1.

7. Call for record and proceeding.

(K. L. WADANE, J.)

JPC