

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

930 CIVIL APPLICATION NO. 930 OF 2016
IN FAST/27650/2015

RAMDAS NIMBA SHEVALE THR G.P.A. HOLDER MANGAL VIJAY
PATIL
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. R. C. Patil
AGP for Respondents State: Mr. A. M. Phule

CORAM : K. L. WADANE, J.

DATE : 20th September, 2017

ORDER:

1. Heard Mr. Patil, learned counsel for the applicant, and Mr. Phule, learned AGP for respondents 1 and 2.
2. This is an application for condonation of delay of 2820 days caused in filing an Appeal against the impugned judgment.
3. Mr. Patil, the learned counsel for the applicant submits that the applicant is dumb and deaf and is represented by his general power of attorney, sister Mangal Vijay Patil. The learned AGP opposed the application on the ground that delay caused is huge and not properly explained.
4. I have gone through the contention of the application, from the same, it appears that due to the disability of the applicant, he was unable to prosecute the present appeal in time. Disability certificate of the applicant is produced on record, from which, it appears that

the applicant is 100% disabled regarding hearing impairment. The applicant also was prevented from certain causes to file appeal such as financial conditions etc. The applicant was to raise loan from his friend and relatives to file the appeal and thereafter approached this court to file the appeal.

5. 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 which is sought to be condoned.

6. In view of the above, the delay caused in filing the appeal is hereby condoned. Civil application is accordingly disposed of.

7. First Appeal be registered. After registration of the Appeal, issue notice to the respondents, returnable on 02.11.2017. Learned AGP waives service of notice for respondent No.1 and 2.

(K. L. WADANE, J.)

JPC