

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

64 CIVIL APPLICATION NO. 956 OF 2016
IN FAST/27652/2015

DALPAT NARSING VANJARI DEAD THR HIS LRS GULAB AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Mr. Bhosale Sachin V And Mr.
R. C. Patil

AGP for Respondents State: Mr. S. S. Dande

CORAM : K. L. WADANE, J.

DATE : 21st August, 2017

ORDER:

1. Heard learned counsel for the applicants and learned AGP for the State.

2. This is an application for condonation of delay of 2106 days caused in filing the first appeal. The application is opposed by the learned AGP on the ground that there was negligence on the part of the appellants.

3. From the grounds stated in the application, it appears that the appellant was prevented by certain causes to file the appeal including financial clutches. Therefore 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 or monetary benefits and/or other statutory benefits for the period of delay.

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

5. First Appeal be registered. After registration of the Appeal, issue notice to the respondents returnable on 30.10.2017. Learned AGP waives service of notice for the respondents.

(K. L. WADANE, J.)

JPC