

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

**CIVIL APPLICATION NO. 15640 OF 2013
IN FAST/31436/2013**

**JEEVAN SHANKARRAO KURTADIKAR
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS**

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Advocate for Applicant : Mr. Ghode Madhav C
AGP for Respondents 1 and 2 : Mr. A.M.Phule

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CORAM : K.L.WADANE, J.
DATED : 19th September, 2017

O R D E R :

This is an application for condonation of delay of 519 days caused in filing First Appeal.

2. On perusal of the application, it appears that the applicants is aged person and due to illness in the family, he could not prefer appeal within limitation. However, the inaction and/or negligence on the part of applicant to some extent, is responsible for causing such inordinate delay.

3. Learned A.G.P. for the respondents/State strongly resisted the application on the ground that the delay has not been explained satisfactorily. In the alternate, he submits that delay may be condoned on the condition that if the applicant succeeds in the

appeal, the applicant shall not be entitled for the amount of interest and/or other statutory benefits of the period for which delay is sought to be condoned.

4. In view of above and in the light of 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 **AIR 2013 SC 3452**, Civil Application for condonation of delay is allowed. Delay in filing the appeal is hereby condoned on the condition that the applicant shall not be entitled for the amount of interest and/or other statutory benefits of the period for which delay is sought to be condoned.

5. Civil Application is disposed of.

6. In First Appeal, issue notice to the respondents, returnable on 28.11.2017.

7. Learned A.G.P. waives service of notice for respondent nos. 1 and 2.

(K.L.WADANE, J.)

dbm