

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

**918 CIVIL APPLICATION NO. 448 OF 2014**

IN FAST/34680/2013

WITH CA/449/2014 IN FAST/34811/2013

SAKHARAM TATYARAO CHAVAL (DIED)  
THROUGH LRS. PANDURANG SAKHARAM CHAVAL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicants : Mr. Deepak M. Kakade.

AGP for Respondent Nos.1 & 2 : Mr. B. V. Virde.

Advocate for Respondent No.3 : Mr. S. P. Sonpawale.

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WITH

**919 CIVIL APPLICATION NO. 451 OF 2014**

IN FAST/32270/2013

SUMITRABAI BALIRAM CHAVAL AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicants : Mr. Deepak M. Kakade.

AGP for Respondent Nos.1 & 2 : Mr. S. N. Morampalle.

Advocate for Respondent No.3 : Mr. S. P. Sonpawale.

...

CORAM : **V. K. JADHAV, J.**

DATE : 27<sup>th</sup> July, 2017.

P.C.:

. Heard both the sides.

2 On perusal of contents of applications, it appears that the Applicants are prevented from certain causes such as, financial constraints etc. to prefer appeals within limitation. However, the inaction and/or negligence on the part of the Applicants, to some

extent, is responsible for causing such inordinate delay.

3 Learned A.G.P. for the Respondent-State/authority and the learned counsel for the acquiring body strongly resisted the applications on the ground that the delay has not been explained satisfactorily. In the alternate, learned counsel submit that delay may be condoned on the condition that if the Applicants succeed in the appeals, the Applicants shall not be entitled for the amount of interest and/or other statutory benefits of the period for which delay 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 applications for condonation of delay are allowed. Delay in filing the appeals is hereby condoned on the condition that the Applicants shall not be entitled for the amount of interest and/or other statutory benefits of the period for which delay sought to be condoned.

5 Civil applications for condonation of delay are accordingly disposed of.

6 In appeals, heard. Issue notice to the Respondents. The learned AGP appearing for Respondent Nos.1 and 2 and the learned counsel appearing for Respondent / acquiring body waive the service of notice for the respective Respondents.

[ V. K. JADHAV, J. ]