

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
919 CIVIL APPLICATION NO. 13714 OF 2017
IN FAST/34955/2017**

MACHHINDRA RUSTUM NIMONE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicant : Mr. Pahune Patil Nandkishor J.
And Mr. R. L. Bhusare Patil
AGP for Respondent State: Mr. S. M. Ganachari
Advocate for Respondent No.2 : Mr. B. R. Surwase

CORAM : K. L. WADANE, J.

DATE : 7th December, 2017

ORDER:

1. Heard.

2. This is an application for condonation of delay of 302 days caused in filing the Appeal against the impugned judgment and award.

3. Mr. Pahune-Patil, the learned counsel appearing for the applicant submits that the applicant is financially poor and he was unable to pursue the proceeding due to poverty. Learned counsel appearing for the respondents opposed the application on the ground that there is inordinate delay in filing the present appeals and it has not been explained satisfactorily. The delay caused in filing the appeal is not accidental and it is an intentional. In the alternate, the learned AGP submits that if the applicant succeeds he shall not be entitled for the amount of interest and/or

other statutory benefits for the period for which the delay sought to be condoned.

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 succeeds 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 and it is accordingly condoned.

5. Civil application is accordingly disposed of.

6. In first appeal, the learned counsel for the appellant submits that the matter is likely to be settled in Lok Adalat and therefore this appeal may be referred to Lok Adalat.

7. In view of above, refer this matter to the Lok Adalat, which is scheduled to be held on 9th December, 2017.

(K. L. WADANE, J.)

JPC