

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
931 CIVIL APPLICATION NO. 1563 OF 2016
IN FAST/34610/2015**

KASHINATH SHEKHA VALAVI AND OTHERS
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 1463 caused in filing an Appeal against the impugned judgment .
3. Mr. Patil, the learned counsel for the applicant submits that the applicant is tribal and he was unable to pursue the proceeding due to poverty. Learned AGP opposed the application on the ground that there is inordinate delay in filing the present appeal. The delay caused in filing the appeal is not accidental and it is an intentional.
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 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.

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

6. First Appeal be registered. After registration of the Appeal, issue notice to the respondents, returnable on 29.11.2017. Learned AGP waives service of notice for respondent No.1 and 2.

(K. L. WADANE, J.)

JPC