

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

964 CIVIL APPLICATION NO. 1286 OF 2016
IN FAST/37610/2015

POPATRAO BABAHARI TAMBE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicant : Undre Vikram S
AGP for Respondents: G.O. Wattamwar
Advocate for Respondents : B. Rajale

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CORAM : V.K. JADHAV, J.
DATE : 17-03-2017.

P.C. :

1. The learned counsel appearing for the respondent acquiring body submits that, the acquiring body has preferred an appeal against the present applicant and the same has been admitted by this Court.

2. The applicant is prevented from certain cause such as, financial constraints, drought situation etc. to prefer appeal within limitation. However, the inaction or negligence on the part of the applicant, to some extent, is responsible for causing such inordinate delay. Learned A.G.P. for the respondent-State/authority 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 succeed 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 sought to be condoned.

3. 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 sought to be condoned.

4. Civil application is allowed and accordingly disposed of.

5. In first appeal, issue notice to the respondents, returnable on 21.04.2017.

6. Learned A.G.P. waives notice for respondent-State/authority. Call for record and proceedings.

(V.K. JADHAV)
JUDGE