

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

CIVIL APPLICATION NO. 7901 OF 2017
IN FAST/16635/2017

SHIVAJI RAJARAM TELANG
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Mrs. P. G. Sontakke (Patil)
AGP for Respondent No. 1 : Mr. A.P. Basarkar
Advocate for Respondent No. 2 : Mr. Anand D. Wange.

...
WITH CA/7902/2017 IN FAST/16944/2017
WITH CA/7903/2017 IN FAST/16936/2017
WITH CA/7904/2017 IN FAST/16923/2017
...

CORAM : A.M. DHAVALÉ, J.

DATED : 3rd AUGUST, 2018.

Order :-

1. There is delay of (12) days caused in filing the appeals against the impugned Judgment and Award passed by the learned Reference Court.

2. Mr. Solunke, learned counsel for respondent No. 2 opposes the applications. He submits that these four appeals are filed by four brothers against the same Award and all four brothers have given same grounds that they had no source of income to pay the Court fees. The court fees payable was very meagre of Rs. 1825/-each, therefore, the ground cannot be believed.

3. On going through the papers, it is seen that the applicants had engaged common lawyer before the learned Reference Court. The Judgment came to be delivered on 07-01-2017 and thereafter certified copies of Judgment and Award was obtained on 20-01-2017. Then legal advice was taken and thereafter it was realized that the certified copies of other documents are also necessary. At the relevant time the applicants being poor agriculturist could not make arrangement for collecting the Court fees, it may be inclusive of advocate fees. As held in ***Isha Bhattacharjee Vs. Raghunatpur Nafer Academy (2013) 12 SCC 649***, there should be a liberal, pragmatic, justice oriented, non pedantic approach while dealing with an application for condonation of delay, for the courts are not supposed to legalize justice but are oblige to remove injustice and it should not be rejected merely on technical ground. Relying on the principles laid down in *Isha Bhattacharjee's* case (supra), the applications deserve to be allowed.

4. Accordingly, applications are allowed and stands disposed of.

5. The First Appeals be registered.

Sd/-

[A.M. DHAVAL]
JUDGE

MTK.