

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

CIVIL APPLICATION NO. 13173 OF 2017
IN FAST/33239/2017

BANSI SMBHAJI KARPE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr. Vinayak H. Solanke
AGP for Respondents No.1 and 2 : Mr. R. B. Bagul
...

CORAM : SUNIL K. KOTWAL, J.

DATED : 08th OCTOBER, 2018.

ORDER :-

Heard learned counsel for applicants-original claimants and learned AGP respondents No.1 and 2. None appears for respondent No.3 - Acquiring Body.

2. This is an application for condonation of 1469 days' delay caused in filing first appeal.

3. Learned AGP for respondents No.1 and 2 objects this application on the ground that no reason for condonation of delay is made out.

4. The reason assigned in the application for condonation of delay is that due to drought situation in the area, the applicants-claimants are under financial crisis, and therefore, time was required for collection of necessary funds to purchase the court fees. The next ground is that, even his Advocate did not inform about passing of the Judgment till February-2017; it can be a reasonable ground as the party shall not suffer for inaction on the part of his Advocate. So also, in Marathwada

region, there is always drought situation and because of heavy financial crisis, the applicants could not file the first appeal within time. Therefore, reasons assigned by the applicants for condonation of delay appear to be just and proper. To award fair opportunity to the applicants to get justice, the delay of 1469 days is condoned. Civil Application is disposed of.

5. First Appeal (Stamp) No. 33239 of 2017 be registered.
6. Issue notice to respondents No.1 to 3, returnable on 27-11-2018.
7. Mr. R. B. Bagul, learned AGP waives service of notice for respondents No. 1 and 2.
8. Call for record and proceedings.

[SUNIL K. KOTWAL]
JUDGE

rrd.