

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

918 CIVIL APPLICATION NO. 3468 OF 2016
IN FAST/8078/2016

WITH

921 CIVIL APPLICATION NO. 1339 OF 2018
IN FAST/37734/2017

...

ANAND DHANU DUBE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicants : Mr.Madde Shrikant B
AGP for Respondents/State : Mr.A.D.Namde and Mr.B.V.Virde
Advocate for Respondent No.3 : Mrs.Chaitali Chaudhari-
Kutti (in CA 3468/2016)

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CORAM : M.S.SONAK, J.
DATE : 2.2.2018

PER COURT:-

1) The learned counsel for the applicants submits that in similar matters, similar amount of delay was condoned for similar reasons on the condition that the appellants/applicants will not be entitled to statutory benefits or interest for the period of delay. He relies upon the order dated 7.12.2017 made in Civil Application

No.14528 of 2017 in FAST No.37073 of 2017 and connected matters.

2) Learned counsel for the respondents opposes the condonation of delay by stating that no sufficient cause is shown. He submits that the facts taken into consideration in order dated 7.12.2017 were quite different and therefore, no comparison can be drawn.

3) There does not appears to be any significant difference in the facts recorded in the order dated 7.12.2017. The delay in Civil Application No.14528 of 2017 was around 1600 days. The delay in the present two matters was of 1720 days and 2192 days respectively. In this case also the applicants makes a statement that for the period of delay, they will not claim any statutory benefits or interest. The statement is accepted.

4) For the reasons set-out in the aforesaid order dated

7.12.2017 the delay is condoned subject to a condition that the appellants/applicants will not be entitled to claim any interest or statutory benefits for the period of delay. The appellants/applicants should file an undertaking to this effect in the main appeal and furnish a copy of the same to the learned counsel appearing for the respondents. Accordingly, the delay is condoned.

5) The civil applications are accordingly disposed of.

[M.S.SONAK, J.]