

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**CIVIL APPLICATION (CAF) NO. 3268/2018 IN**  
**FIRST APPEAL STAMP NO. 10807/2018**

Shri Shivaji s/o Vithoba Wadikar Vs. The State of Maharashtra, and others.

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*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.*

*Court's or Judge's orders.*

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Shri P.D. Sharma, counsel for the appellant.  
Ms. H.N. Jaipurkar, AGP for the respondent Nos. 1 and 3.  
Shri M.A. Kadu, counsel for the respondent No.2.

**CORAM: ARUN D. UPADHYE, J.**

**DATE: 25-01-2019.**

Heard learned counsel for the parties.

Perused the application. There is delay of 722 days  
in filing the first appeal.

Shri M.A. Kadu, learned counsel for the respondent  
No.2 however, objected the application.

Considering the submissions of both the sides, I am  
of the view that delay could not be condoned subject to  
condition that appellant would not claim any interest for the  
delayed period. For the reasons stated in the application,  
application is allowed.

**FIRST APPEAL STAMP NO. 10807/2018.**

Heard.

**Admit.**

Call for record and proceedings.

Ms. H.N. Jaipurkar, learned AGP waives notice for Respondent Nos. 1 and 3.

Shri M.A. Kadu, learned counsel waives notice for the Respondent No. 2.

**JUDGE**

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