

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 CIVIL APPLICATION NO.3119 OF 2021
IN FAST/13934/2020

SHRIRAM GOVIND HARIDAS
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, LATUR AND ANR

Mr V.D. Gunale, Advocate for applicant
Mr P.M. Kulkarni, A.G.P. for respondent no.1

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 15th DECEMBER, 2021

PER COURT :

1. It is an application for condonation of delay moved by the applicant/original claimant.
2. Heard Mr V.D. Gunale, learned Advocate for the applicant and Mr P.M. Kulkarni, learned A.G.P. for respondent no.1. None present for respondent no.2 though duly served.
3. There is delay of 3015 days in preferring the appeal.
4. Mr Gunale, learned Advocate for the applicant submits that due to family dispute the appeal could not be preferred within time. The applicant has assigned sufficient reasons in application, particularly in paragraph 2 of the application. He urged to condone the delay.
5. On the other hand, Mr Kulkarni, learned A.G.P. for respondent no.1/State strongly opposed to condone the delay. He submits that no sufficient reasons are assigned by the applicant to condone the delay.

6. There seems to be delay of nine years. It is inordinate delay. However, for the reasons stated in the application, particularly in paragraph 2 of the application and considering the points involved in the proposed appeal, delay needs to be condoned subject to payment of costs and furnishing undertaking in respect of waiving of statutory benefit and interest for the delayed period.

ORDER

(i) The Civil Application is hereby allowed in terms of prayer clause (B) on condition to pay costs of Rs.5,000/- (Rs. Five thousand only) to the High Court Legal Services Sub-Committee at Aurangabad within one month from today.

(ii) The applicant shall furnish an undertaking with the Registrar (Judicial) of this Court stating that applicant shall not claim statutory benefits and interest in respect of delayed period.

(iii) If the abovesaid clauses are complied by the applicant within time, the Registry to make scrutiny of appeal as per procedure and it be numbered and placed before the Court for admission.

(iv) If the abovesaid clauses are not complied, the application for condonation of delay shall stand dismissed without further reference to the Court.

(v) The Civil Application stands disposed of accordingly.

(SHRIKANT D. KULKARNI, J.)