

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

CIVIL APPLICATION NO.307 OF 2020 IN FAST/77/2020

**ANNA HARI WAGH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Ms. M.V. Narwad, Advocate for the Applicant
Mr. A.B. Chate, APP for Respondent No.1 / State
Mr. G.S. Khaire, Advocate h/f Mr. Mr. S.S. Dande, Advocate for
Respondent No.2

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 15th FEBRUARY, 2022

PER COURT:-

1. Leave to correct the L.A.R. number in the body of appeal.
2. It is an application for condonation of delay moved by the applicant / original claimant.
3. Heard Ms. M.V. Narwade, learned counsel for the applicant, Mr. G.S. Khaire holding for Mr. S.S. Dande, learned counsel for respondent no.2 and Mr. Chate, learned AGP for respondent no.1 / State. There seems to be delay of 2728 days in preferring the appeal.

4. Ms. Narwade, learned counsel seeks leave to place on record the copy of the order passed in civil application no. 13594 of 2021 in first appeal (stamp) no. 31319 of 2021 dated 15.12.2021. She submits that in connected applications for condonation of delay arising out of the same project, this Court was pleased to condone the delay on condition that the applicant shall not claim the statutory benefits and component of interest in respect of delayed period. She submits that the delay caused by the applicant was not intentional.

5. Mr. Chate, learned AGP for respondent no.1 / State and Mr. G.S. Khire holding for Mr. S.S. Dande, learned counsel for respondent no.2 opposed to allow this application for condonation of delay.

6. On going through the copy of order passed by this Court (Coram : R.G. Avachat, J.) in civil application no. 13594 of 2021 in first appeal (stamp) no. 31319 of 2021 vide order dated 15.12.201 was pleased to condone the delay in connected applications for condonation of delay arising out of the same project on condition that applicants shall not be entitled to get statutory benefits and component of interest for the delayed

period. It would be just and proper to allow this application by taking the same view, which has been earlier taken by this Court in the above referred matters.

ORDER

- (i) The application for condonation of delay is hereby allowed in terms of prayer clause (B) on condition that the applicant shall not claim statutory benefits and interest for the delayed period.
- (ii) The applicants shall furnish undertaking to that effect with the Registrar (Judicial) of this Court.
- (iii) Registry to make scrutiny of the appeal as per procedure and it be numbered after furnishing the undertaking by the claimant and then place before the Court for admission on 02.03.2022.
- (iv) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE