

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

944 CIVIL APPLICATION NO.26 OF 2022
IN /O/

VINODMAL HARAKCHAND SANGHAVI
VERSUS
THE STATE OF MAHARASHTRA AND OTHER

Mr P.D. Suryawanshi, Advocate for applicant
Mr A.B. Chate, A.G.P. for respondents no.1 and 2
Mr A.D. Pawar, Advocate for respondent no.3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 1st March, 2022

PER COURT :

1. It is an application for condonation of delay moved by the applicant/original claimant.
2. Heard learned Counsel for respective parties.
3. There is delay of 580 days in preferring the appeal. It is pointed out by learned Counsel for the applicant/appellant that time was consumed in prosecuting the Writ Petition and in fact, there was no delay. He invited my attention to the order passed by this Court in Writ Petition No.9129 of 2014 dated 26.10.2015. He submitted that as per liberty granted by this Court while disposing of the Writ Petition, the appeal has been preferred and there is no delay as such.
4. Mr A.D. Pawar, learned Counsel for respondent no.3/acquiring body and Mr A.B. Chate, learned A.G.P. for respondents no.1 and 2 opposed to condone the delay.
5. For the reasons stated in the application in paragraphs no.6 to 8, the delay needs to be condoned in the interest of justice.

ORDER

- (i) The Civil Application is allowed in terms of prayer clause (B).
- (ii) The applicant/claimant shall furnish undertaking with the Registrar (Judicial) of this Court stating that he would not claim statutory benefits and interest in respect of the delayed period.
- (iii) After furnishing such undertaking, the Registry to make scrutiny of the appeal as per procedure and thereafter it be numbered and placed before the Court for admission.
- (iv) The Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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