

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

928 CIVIL APPLICATION NO.1927 OF 2018
IN FAST/7328/2017

RUKMINBAI KASHINATH MORE (DIED) THR LRS RADHABAI
VENKATRAO MORE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicants : Mr. R. N. Chavan h/for Mr. Kurundkar Sunil V.
AGP for Respondents 1 & 2: : Mr. A. B. Chate
Advocate for Respondents No.3: Mr. . S. S. Dande

CORAM : Y. G. KHOBRAGADE, J.
DATE : 15TH NOVEMBER, 2022

ORDER:

1. Heard Mr. R. N. Chavan, the learned counsel appearing for the applicants, Mr. A. B. Chate, learned AGP for the State and Mr. S.S. Dande, learned counsel for the respondent No.3 acquiring body at length.

2. The applicants invoked jurisdiction of this Court under section 5 of the Limitation Act and prayed for condonation of delay of 174 days caused in filing appeal against judgment and award dated 15.06.2016 passed in L.A.R. No. 263/2015 by the learned Civil Judge Senior Division, Biloli, Nanded.

3. The learned counsel for the applicants submitted that on 15.06.2016, the reference court passed the judgment and award,

however, subsequently it has been corrected on 08.12.2016 and thereafter they filed the present appeal.

4. Reason for delay assigned in the preset application appears to be bonafide and substantial and no prejudice would be caused to the respondents. Therefore, considering the nature of claim and reason assigned, delay of 174 days is liable to be condoned. Accordingly, I proceed to pass following order:

ORDER

- i. Civil application is hereby allowed
- ii. The delay of 174 days caused in filing appeal is hereby condoned.
- iii. Registry of this office is directed to register the appeals and place before this Court for further action.

(Y. G. KHOBRAGADE, J.)

JPChavan