

(1)

ca4185.20

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
910 CIVIL APPLICATION NO.4185 OF 2020
IN FAST/8368/2019**

**SHRIKANT SAHEBRAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

Mr. Swapnil S. Patunkar, Advocate for the
applicant
Ms. D. S. Jape, AGP for the respondents/State

CORAM : ANIL L. PANSARE, J.

DATE : 07th July, 2022

P. C.

1. Heard.

2. The applicant is seeking condonation of delay of 1588 days in filing the first appeal against the award dated 04-08-2014 passed in LAR No. 2361/2010 by IInd Joint Civil Judge, Senior Division, Jalna. The applicant is ready to forego the claim of statutory interest for the period of delay as a condition for its condonation.

3. The learned AGP opposed the application and submits that there is inordinate delay and the same has not been properly explained.

4. The non-applicant has not attributed *mala fides* to the applicant in filing belated appeal. Accordingly, for the reasons assigned in the application for condonation of delay and to advance the cause of substantive justice, the delay deserves to be condoned.

5. Hence, the following order:-

a] The application stands allowed in terms of prayer clause (B) with a rider that the applicant shall not be entitled for the claim of the interest for the delayed period.

(3)

ca4185.20

b] The delay in preferring the appeal stands condoned.

c] Appeal be registered.

d] Thereafter, issue notice to the respondents, returnable after two weeks. Learned AGP waives service of notice on behalf of respondents/State.

e] Call R & P.

[ANIL L. PANSARE, J.]

VishalK/ca4185.20