

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

**CIVIL APPLICATION NO.5333 OF 2022
IN FAST/10518/2021**

**SARASWATI BABASAHEB DHAS (DIED) THROUGH LRS
SHIVAJI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
BEED AND ANOTHER**

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Mr. D.R. Jaybhar, Advocate for the applicants.
Mr. A.A. Jagatkar, A.G.P. for the respondents.

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CORAM : SANDIPKUMAR C. MORE,J.

DATED : 02.08.2022.

ORDER:-

1. Heard. Issue notice to the respondents. Learned A.G.P. waives notice for both the respondents.

2. The applicants are claiming condonation of delay of 1252 days in filing the First Appeal against the award dated 28.06.2016 in LAR No. 390 of 2011. The learned Counsel for applicants submits that as soon as the applicants received compensation amount, they filed this appeal. Since the applicants were having poor financial condition, they could not file the appeal within the period of limitation.

2. The learned A.G.P. for the respondents took strong objection. However, considering the statutory right of the

applicants and for the reasons stated in the Application, the application is allowed and the delay of 1252 days in filing the appeal stands condoned in the interest of justice, subject to condition that the applicants shall not claim any interest for such delay period.

3. The Civil Application is accordingly disposed of.

4. The First Appeal be placed for admission after removal of office objections, if any.

(SANDIPKUMAR C. MORE, J.)