

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

**905 CIVIL APPLICATION NO.9550 OF 2017
IN
FIRST APPEAL (ST) NO. 16466 OF 2017**

Venkat Tukaram Gundare and
and another

Applicants

Versus

The State of Maharashtra and another

Respondents

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Mr. S.S. Chillarge, Advocate for the applicants.

Mr. P.N. Kutti, A.G.P. for respondent No. 1.

...

CORAM : SANDIPKUMAR C. MORE

DATED : 27.07.2022.

ORDER:-

1. Heard learned Counsel for the applicants/ claimants as well as learned A.G.P. The respondent No. 2-Acquiring Body, despite service, remained absent.

2. This is an application for condonation of delay of 1430 days in filing this appeal. The applicant has attributed the delay to his poor financial condition. Moreover the learned Counsel for the applicant submits that though the impugned award is dated 26 February 2013, but the Acquiring Body deposited the amount in the year 2017. Admittedly, there appears substantial delay in filing this first appeal. However,

considering the statutory right of the applicant, it can be condoned in the interest of justice. Accordingly, Civil Application No. 9550 of 2017 is hereby allowed and the delay of 1430 days in filing the first appeal against the judgment and award dated 26 February 2013 passed by the learned Civil Judge (Senior Division), Udgir in LAR No. 2315 of 2010 (old LAR No. 444 of 2009) subject to condition that the applicant shall not claim any statutory interest in respect of the aforesaid delay period of 1430 days. No costs.

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.)

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