

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

932 CIVIL APPLICATION NO.13329 OF 2017
IN FAST/17210/2017

SANDU VITTHAL BHENDALE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Ms. Sakshi Kale h/f. Kale Ajeet B.
AGP for Respondents/State : Mr. A.R. Kale
...

CORAM : Y.G. KHOBRADE, J.
DATE : 11th November, 2022

PC.:-

1. Heard advocate Ms. Sakshi Kale h/f. Mr. Ajeet Kale counsel appearing for the applicants and Mr. A.R. Kale learned AGP appearing for non-applicant nos.1 and 2. None appeared for non-applicant no.3.
2. The applicants prayed for condonation of delay of 2248 days caused for lodging the appeal on the ground that due to their unsound financial capacity, they could not approach this Court within the stipulated period and they are having good case on merit.
3. The learned AGP vehemently canvassed that the applicants require to explain the day to day delay, however, the applicants have not shown any *bona fide* and substantial reason. Therefore, he prayed for

rejection of the application. In the present application, it *prima facie* appears that on 10.12.2010 the Reference Court passed the impugned judgment and award, however, due to financial crisis the applicants could not file appeal within the statutory period which appears to be substantial and *bona fide*. Therefore, by exercising discretionary powers conferred under Section 5 of the Limitation Act and in the interest of justice, it would be just and proper to condone the delay of 2448 days caused in filing the present appeal. Accordingly, I proceed to pass the following order:

ORDER

- I) The application for condonation of delay is hereby allowed.
- II) The delay of 2448 days in filing the appeal is hereby condoned.
The applicant shall not be entitled for the interest and statutory benefits for the delayed period.
- III) The Registry is directed to register the first appeal and place it before the Court for further action.

[Y.G. KHOBRAGADE, J.]