

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

5 CIVIL APPLICATION NO.13327 OF 2017
IN FAST/17349/2017

GANU DHANSING PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Mr. Ingale Vivekanand V.
AGP for Respondents/State : Mrs.D.S. Jape
...

CORAM : ANIL L. PANSARE, J.
DATE : 4th July, 2022

PC.:-

Heard learned counsel for the applicant and learned A.G.P for the respondents.

2. The applicant is the original claimant seeking condonation of delay of 2306 days in filing appeal against the judgment and award passed by the Reference Court in the L.A.R. No.648/2000 decided on 13.10.2008.

3. Condonation has been sought on the ground that applicant is an illiterate person and he had no knowledge of court proceeding. The delay caused is not intentional but due to communication gap between the applicant and advocate. Learned counsel for the applicant submits that the applicant will file undertaking to forego statutory interest @ 15% for the delayed period.

4. Learned AGP opposed the application on the ground that delay has not been properly explained.

5. The non-applicants have not attributed *mala fides* to the applicant in filing belated appeal. Therefore, and in view of the statement made by the learned counsel for the applicant that the applicant shall file undertaking to forego interest, so also for the reasons stated in the application and to advance the cause of substantive justice, the delay deserves to be condoned.

Hence, the following order:-

- i) The delay is condoned subject to filing undertaking by the applicant that he will forego statutory interest payable to him, if appeal is allowed. The undertaking so filed by the applicant in Civil Application be kept in First Appeal.
- ii) Civil Application is disposed of accordingly.
- iii) First Appeal Stamp Number be registered. Issue notice to the respondents, returnable after four weeks. Learned AGP waives service for respondents.
- iv) Call R & P.

[ANIL L. PANSARE, J.]