

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

**14 CIVIL APPLICATION NO.13249 OF 2017
IN FAST/20159/2017**

**BABU HARIBA RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mr. V. V. Ingale
AGP for Respondent No.1 : Mr. A. A. Jagatkar

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 25/07/2022.**

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P. C. :

1. By way of this application, the applicant i.e. original claimant is seeking condonation of delay of 1089 days in filing first appeal against the judgment and order dated 24/03/2014 in LAR No. 237 of 2006 passed by 4th Jt. Civil Judge (Senior Division), Osmanabad. The learned counsel for the applicant submits that the applicant is suffering from financial difficulties and also unaware of court proceedings and therefore such delay has been caused.

2. Despite notice to respondent No.2 -Acquiring Body, none appeared. However, the learned AGP though opposed the application, but submitted that appropriate order may be passed.

3. Thus, considering the reasons mentioned in this application and also by considering the statutory right of applicant, the civil application is hereby allowed and delay of 1089 days in filing first appeal is hereby condoned.

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

5. Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

VS Maind/-