

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

909 CIVIL APPLICATION NO.11409 OF 2016
IN FAST/22160/2016
WITH CA/11410/2016 IN FAST/22164/2016

SURYAKANT VIRPRAKASH SHIRAL
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...
Advocate for Applicant : Mr.S.P.Urgunde
AGP for Respondent-State : Mrs.D.S.Jape
Advocate for Respondent no.3 : Mr.Ram Deshpande
...

CORAM : S.G.DIGE, J.
DATE : 30.08.2022

P.C. :

1] Heard the learned counsel for the applicants,
learned AGP for respondent-State and the learned counsel
for respondent no.3.

2] Leave granted to correct the address of
respondent no.3.

3] The learned counsel for the applicants submits
that there is delay of 1085 days in filing the First Appeals.

The applicants are poor farmers. After getting compensation, the applicants have preferred these appeals. They were not aware about procedure of filing appeals, hence, delay is caused.

4] The learned counsel for respondent no.3 submits that delay is not properly explained. No reasons are mentioned for condonation of delay. Moreover, the applications for delay are filed in the year 2016. Thereafter, the said applications were circulated in the year 2017. In 2017, he served service for respondent no.3. Thereafter, there was order passed by this Court on 1st August, 2017, leave to correct address of respondent no.3. Thereafter, the applicants have not circulated the matter for entertaining the applications for delay condonation, hence, delay caused after 2017 from 1st August, 2017 shall not be considered if this Court inclines to allow the present applications.

5] Considering the submissions of both learned counsel as well as the reasons mentioned in the applications, delay of 1085 days for filing First Appeals is

condoned. The applicants shall not claim interest and statutory benefits for delayed period. The applicants also shall not claim interest and statutory benefits from 1st January, 2018 till this date and shall file undertaking in that regard. Appeals be registered subject to removal of office objections, if any.

6] Civil Applications are disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC