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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**916 CIVIL APPLICATION NO.12747 OF 2021
IN FAST/29064/2021**

**BABURAO GANGARAM CHAMLE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, LATUR AND
ANR**

Mr. Amit S. Deshpande, Advocate for the applicant
Mr. S. N. Morampalle, AGP for the respondent/State

CORAM : VINAY JOSHI, J.

DATE : 11-02-2022

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. This is an application for seeking condonation of delay of 4001 days caused in filing the first appeal seeking for enhancement.

2. The State objected on the point there is huge delay which is not properly explained.

3. It is the applicant's contention that the award was passed in the year 2010 and thereafter under misconception the applicant has approached the reference court once again by filing the application seeking modification of the award for the reasons

akin to the grounds of appeal. The said application was came to be rejected. Thereafter, the applicant filed Writ Petition RC No. 1106/2016 which was ultimately withdrawn on 05-10-2021. It reveals from the order of this court passed in writ petition that the court expressed that time spent in prosecuting the writ petition may be taken into consideration under Section 14 of the Limitation Act.

4. Having regard to all above facts, it appears that the applicant was prosecuting his remedy in wrong forum. In addition to that it is submitted that the applicant is illiterate and due to ill advice though he was keen to seeking enhancement, he choose incorrect remedy. Having regard to this fact, the delay stands condoned. The application stands disposed of. The appellant is not entitled for interest and other statutory benefits for delayed period. The appeal be registered and numbered accordingly.

[VINAY JOSHI, J.]