

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

**CIVIL APPLICATION NO. 13372 OF 2021  
IN FAST/31599/2021**

Prasad Tuljiram Nirval

.. Applicant

Versus

The State of Maharashtra and others

.. Respondents

Mr. Deepak M. Kakade, Advocate for the Applicant.

Ms. D. S. Jape, AGP for the Respondents-State.

Mr. R. B. Deshpande, Advocate for Respondent No. 3.

**CORAM : ANIL L. PANSARE, J.**

**DATED : 05<sup>th</sup> JULY 2022.**

**PER COURT:-**

. The applicant is seeking condonation of delay of 2390 days caused in filing first appeal. The claimant is ready to forego the statutory interest for the period of delay.

2. In identical matter, the delay has been condoned by this Court vide order dated 07.07.2018 in Civil Application No. 3150 of 2017 in First Appeal Stamp No. 1878 of 2017.

3. The learned A.G.P. has opposed the application on the ground that the delay is not properly explained.

4. Since there are no malafides attributed against applicant by the

respondents and though learned AGP would oppose the application, there will be no gain to the applicant in filing belated appeal. It will be, thus, in the interest to justice to condone the delay, more particularly when the applicant has shown willingness to submit an undertaking to forgo statutory interest for the delayed period that has been caused in filing appeal.

5. In view thereof, application is allowed subject to applicant furnishing an undertaking as aforesaid to this Court within a period of four weeks from today.

6. Civil application is disposed of.

**( ANIL L. PANSARE )**  
**JUDGE**

PS.B.