

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

CIVIL APPLICATION NO.3695 OF 2022 IN FAST/33406/2021

SHAIKH PASHA SHAIKH CHAND
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
JALNA AND OTHERS

....
Mr. Arun H. Koralkar, Advolcate for the Applicant
Mr. S.P. Deshmukh, AGP for Respondent Nos.1 to 3 / State
....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 27th APRIL, 2022

PER COURT:-

1. Heard. Mr. Kolarkar, learned counsel for the applicant / claimant.
2. Issue notice to respondent Nos. 1 to 3. Mr. Deshmukh, learned A.G.P. waives notice for respondent Nos. 1 to 3.
3. Mr. Kolarkar, learned counsel for the applicant / claimant submits that the applicant / claimant has assigned sufficient reasons in his application for condonation of delay in para Nos. 4 and 5. He, therefore, urged to condone the delay.

4. Mr. S.P. Deshmukh, learned A.G.P. for the respondents / State strongly opposed to allow this application for condonation of delay.

5. It appears that there is delay of 1582 days in preferring the appeal.

6. For the reasons stated in the application for condonation of delay in para Nos. 4 and 5 and in view of decision of the Hon'ble Supreme Court in case of *Dhiraj Singh Vs. The State of Haryana* reported in *(2014) 14 SCC, 127*, the delay needs to be condoned. However, the applicant / claimant shall not be entitled to get statutory benefits and the interest for the delayed period.

ORDER

- (i) The application for condonation of delay is hereby allowed in terms of prayer clause (A) on condition that the applicant/ claimant shall furnish the undertaking with the Registrar (Judicial) of this Court stating therein that he shall not claim the statutory benefits as well as the amount of interest in respect of delayed period.

(ii) After furnishing the undertaking by the applicant / claimant, the Registry to make scrutiny of the appeal as per procedure and it be numbered and place before the Court for admission.

(iii) The civil application is disposed of accordingly.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane