

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

**CIVIL APPLICATION NO. 566 OF 2018
IN FAST/37465/2017**

Babarao Babasaheb Nirval

.. Applicant

Versus

The State of Maharashtra and others

.. Respondents

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

Mr. S. P. Tiwari, AGP for the Respondents-State.

CORAM : ANIL L. PANSARE, J.

DATED : 05th JULY 2022.

PER COURT:-

. The applicant is seeking condonation of delay of 362 days caused in filing first appeal. The claimant is ready to forego the statutory interest for the period of delay.

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

3. 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.

4. 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.

5. Civil application is disposed of.

(ANIL L. PANSARE)
JUDGE

PS.B.