

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

**CIVIL APPLICATION NO. 599 OF 2018
IN FAST/37472/2017**

Shripati Bajirao Nirval (died)

Through LR's

Prakash Shripatrao Nirval

and another

.. Applicants

Versus

The State of Maharashtra and others

.. Respondents

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

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

Mr. Vinesh C. Solshe, Advocate for Respondent No. 3.

CORAM : ANIL L. PANSARE, J.

DATED : 05th JULY 2022.

PER COURT:-

. The applicants are seeking condonation of delay of 101 days caused in filing first appeal. The claimants are ready to forego the statutory interest for the period of delay.

2. The learned A.G.P. and the acquiring body have opposed the application on the ground that the delay is not properly explained.

3. Since there are no malafides attributed against applicants by the respondents and though learned AGP and acquiring body would oppose the application, there will be no gain to the applicants in filing belated

appeal. It will be, thus, in the interest to justice to condone the delay, more particularly when the applicants have 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 applicants 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.