

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

910 CIVIL APPLICATION NO.2133 OF 2020
IN FAST/38707/2018

BALU PRABHU MUGALE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Mr. Pawar Balasaheb K.
AGP for Respondents/State : Mr. S.R. Yadav Lonikar
...

CORAM : Y.G. KHOBRAGADE, J.
DATE : 16th November, 2022

PC.:-

Though no notice has been issued to the non-applicants, however, the learned AGP *suo moto* appeared in the matter and waived notice for non-applicant nos.1 & 2.

2. With consent of both the sides the application is finally heard. The present application is filed for condonation of delay of 2515 days in filing first appeal on the ground that the financial condition of the applicant was not so sound and he was unable to pay the Court fees, so also, there was some miscommunication from his counsel due to which the delay has been caused.

3. Though, the learned AGP strongly objected the application and stated that the grounds set out in the application are not *bona fide* and

substantial. However, it is submitted that the present applicant who is an Agriculturist and his land has been acquired for the public project of rehabilitation of earthquake affected persons and after passing of award he has not received communication from his counsel, so also, his financial condition was not sound due to which delay has been caused which appears to be *bona fide* and substantial. Therefore, the said delay is liable to be condoned. However, the applicant shall not be entitled for the interest and statutory benefits for the delayed period. In view of above, I proceed to pass the following order:

ORDER

- I) The Civil Application is hereby allowed.
- II) The delay of 2515 days caused in filing appeal is hereby condoned. No order as to costs.
- III) The applicant shall not be entitled for the interest and statutory benefits for the delayed period
- IV) Office is directed to register the first appeal and place it before the Court for further action.

[Y.G. KHOBRADE, J.]