

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

**920 CIVIL APPLICATION NO.2186 OF 2018
IN FAST/40295/2017 WITH CA/2189/2018 IN
FAST/40297/2017 WITH CA/2187/2018 IN FAST/40301/2017
WITH CA/2188/2018 IN FAST/40299/2017**

**MARUTI NAMDEO LUGADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

Mr.M. K. Jadhav, Advocate h/f Mr. A. S. More,
Advocate for the applicant
Ms. D. S. Jape, AGP for the respondents/State
Mr. J. R. Patil, Advocate h/f Mr. G. B. Rajale,
Advocate for respondent No. 3

CORAM : ANIL L. PANSARE, J.

DATE : 07th July, 2022

P. C.

1. Heard.

2. The applicant is seeking condonation of delay in filing the first appeals. The applicants are ready to forego the claim of statutory interest for the period of delay as a condition for its condonation.

3. The learned AGP and the learned advocate for the respondents opposed the application and submits that there is inordinate delay and the same has not been properly explained.

4. The non-applicant has not attributed *mala fides* to the applicant in filing belated appeals. Accordingly, for the reasons assigned in the applications for condonation of delay and to advance the cause of substantive justice, the delay deserves to be condoned.

5. Hence, the following order:-

a] The applications stand allowed in terms of prayer clause (B) with a rider that the applicants shall not be entitled for the claim of the interest for the delayed period.

b] The delay in preferring the appeal stands condoned.

c] Appeals be registered.

d] Thereafter, issue notice to the respondents, returnable after two weeks. Learned AGP waives service of notice on behalf of respondents/State.

e] Call R & P.

[ANIL L. PANSARE, J.]