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

**919 CIVIL APPLICATION NO.1915 OF 2018
IN FAST/40310/2017**

**UDDHAV PANDHARINATH PATIL
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 of 40 days in filing the first appeal against the judgment and award passed by learned Reference Court in LAR No. 335/2014 dated 21-07-2017. The applicant is 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 the delay has not been properly explained.

4. The non-applicant has not attributed *mala fides* to the applicant in filing belated appeal. Accordingly, for the reasons assigned in the application 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 application stands allowed in terms of prayer clause (B) with a rider that the applicant shall not be entitled for the claim of the interest for the delayed period.

b] The delay in preferring the appeal stands condoned.

c] Appeal 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.]