

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

**3 CIVIL APPLICATION NO.13268 OF 2017
IN FAST 28518 OF 2017**

**NAMDEO MANOHAR SURNAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. Kiran Nagarkar, Advocate for the applicant.

Mr. B.V. Virdhe, A.G.P. for respondent – State.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 10th July 2023.

ORDER:-

1. Heard rival submissions.
2. The applicant is seeking condonation of delay of 10 years 43 days, which appears to be caused due to his poor financial condition. The learned AGP strongly opposed the application on the ground that the delay is not properly explained and there is circulation delay also. The acquiring body though served, but remained absent.
3. Though the application is filed in the year 2017, but it is circulated for the first time in the year 2021. As such, there is definitely a circulation delay. However, considering the statutory right of the applicant and for the reasons stated in the application, the application is allowed and the delay of 10 years and 43 days in this application stands condoned subject

to condition that the applicant shall not claim any interest for the period of aforesaid delay and also for delay around four years in circulating the matter belatedly.

4. The appeal be placed for admission after removal of office objections, if any.

5. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)