

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

**26 CIVIL APPLICATION NO.16648 OF 2016
IN FAST/28263/2016**

**GANPATI SAMBHAJI MUNDE DIED HIS LRS SUNITA AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. R.D. Thorat, advocate for the applicants.
Mr. S.S. Dande, A.G.P. for respondent No.1.
Mr. R.C. Bora, Advocate holding for Mr. H.T. Gaikwad,
Advocate for respondent No.2.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 13.03.2023.

ORDER:-

1. Heard rival submissions.
2. The applicants are seeking condonation of delay of 2379 days, which appears to be caused due to their poor financial condition. The learned counsel for Acquiring Body as well as learned AGP strongly opposed the application on the ground that delay is not properly explained. Further, according to them, the applicants had also not taken diligent steps for restoration of the appeal against respondent Nos.4 and 5. It is pointed out by them that there was delay of almost 4 years in restoring the appeal against those respondents.

3. However, considering the statutory right of the applicants and for the reasons stated in the application, the application is allowed and the delay of 2379 days in this application stands condoned subject to condition that the applicants shall not claim any interest for the period of aforesaid delay and also for the period spent in restoring the appeal against respondent Nos.4 and 5.
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.)