



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2135 OF 2020
IN FAST/25672/2018

Bhagwan Yeshwant Deshmukh (died)
Thr Lrs Vithal And Anr

....Applicants

VERSUS

The State Of Maharashtra And Anr

....Respondent

...

Mr. S. A. Wakure, Advocate for Applicant

Mr. D. B. Bhanage, AGP for Respondents

...

CORAM : R.M. JOSHI, J

DATE : JANUARY 05, 2024

PER COURT :

1. Perused application.
2. Learned Counsel for Applicants submit that Applicants are heirs of deceased. He further submits that owing to the financial condition, Applicants could not prefer Appeal within the period of limitation and hence, delay is sought to be condoned.
3. Learned AGP for Respondents opposed the application by contending that there is no sufficient ground made out for condonation of delay.
4. Perusal of the application shows that

Applicants have assigned specific reason for not preferring Appeal in time. This Court does not find any *mala fides* on the part of the Applicants in not approaching this Court in time. In any case, Applicants would not have gained anything by not approaching this Court in time.

5. In view of above, application stands allowed in terms of prayer clause 'B'. Delay of 1484 days in preferring Appeal stands condoned. Appeal be registered. However, Applicants would not be entitled for any interest for this period, if succeed in Appeal.

(R. M. JOSHI, J.)

Malani