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

**40 CIVIL APPLICATION NO. 458 OF 2024
IN FAST/24147/2022**

AND

**CIVIL APPLICATION NO. 459 OF 2024
IN FAST/24793/2022**

BHAGWAN BALIRAM BORADE

....Applicant

VERSUS

**THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA
AND ORS**

.....Respondent

Mr. I. K. Wagh, Advocate h/f Mr. More Kumar Gaurav M.,
Advocate for the applicant

Mrs. A. S. Mantri, AGP for the respondents/State

Mrs. Sarita Gaikwad, Advocate for the respondent No.3

CORAM : KISHORE C. SANT, J.

DATE : 08th JULY, 2024

P. C.

1. Heard the parties.

2. This application is for condonation of delay of 2234
days caused in filing the appeal.

3. It is stated in the application that the applicants are illiterate persons and had no knowledge of limitation for filing of the appeal. They were also not aware of the right to file appeal against the judgment. Their valuable land is acquired by the respondents. There is no any other source of income and for this reason they could not approach before this court.

4. Application is vehemently opposed by the learned Mrs. Gaikwad. She relies on the judgment reported in 2024 SCC Online SC 513 in the case of Pathapti Subba Reddy (died) by LRs and others Vs Special Deputy Collector (LA). The Hon'ble Apex Court in the said judgment has taken a strong view in the case of delay. It is held in para no. 34 that the claimants has to show due diligent in prosecuting the revision. High Court in that case had refused to condone the delay and the said order was entertained by the Hon'ble Apex Court.

5. Considering the submissions, the judgment and looking to the facts of the present case, this court finds that

justice would be met by following order:

ORDER

a] The application stands allowed subject to cost of Rs.5000/- to be deposited in the office of Legal Services Authorities, High Court of Bombay Bench at Aurangabad within a period of eight weeks from today. If the amount is deposited within stipulated period, delay stands condoned.

b] It is made clear that the applicant will not be entitled to receive any interest, in case there is enhancement in the appeal for delayed period.

c] Subject to above, office to register the appeal.

[KISHORE C. SANT, J.]