



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 CIVIL APPLICATION NO. 6258 OF 2018
IN FAST/36272/2017

DIGAMBAR SAMPATRAO NIRVAL (DIED) THR LRS MANIK AND ORS
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA
AND ORS

Mr. Deepak M. Kakade, Advocate for the appellants
Mr.D. B. Bhange, AGP for the Respondents 1 and 2 State.
Mr. S. C. Arora, Advocate for Respondent No.3

CORAM : Y. G. KHOBRAGADE, J.
DATE : 22nd March, 2024

ORDER:

1. Heard Mr. Kakade, the learned counsel for the appellants, Mr. Bhange, the learned AGP for the respondents-State and Mr. Arora, the learned counsel for respondent no.3.
2. By the present application, the applicants/appellants pray for condonation of delay of 1578 days caused while lodging the appeal challenging the judgment and order dated 28.03.2013 passed by the learned 3rd Joint Civil Judge (S.D.) Jalna in LAR No. 756 of 2010 (New)/ LAR No. 59 of 2006 (old).
3. The grounds set out in the application for condonation of delay appears to be justifiable and bonafide. Therefore, the delay deserves to be condoned. However, the appellants will not be entitled to claim interest for the delayed period.

4. In view of the above, the civil application is allowed. The delay is condoned.

5. The applicants/appellants shall file undertaking that they will not claim interest for the delay period, which would be part of the appeal.

(Y. G. KHOBRADE, J.)

JPChavan