



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.2433 OF 2022
IN
FIRST APPEAL (ST)/4588/2021

Shivdas @ Shirdas S/o. Shankar Banbare

... Applicant

Versus

The State of Maharashtra and Ors.

... Respondents

.....

Advocate for Applicant : Ms. Laxmi Thakur h/f. Mr. L. C. Patil
AGP for Respondent Nos.1 and 2 - State : Mr. S. P. Joshi
Advocate for Respondent No.3 : Mr. Vinayak P. Narwade

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 17 OCTOBER 2025

PER COURT :

1. Present application is for condonation of delay of 94 days caused in filing appeal against judgment and award passed by the Civil Judge Senior Division, Mukhed in LAR No.341 of 2010.

2. Learned counsel for applicant pointed out that, reasons for delay are spelt out in paragraph nos.2 to 5 of the application and stated that there is no deliberate and intentional delay. That, there is a good case in appeal and therefore, in the interest of justice and fair opportunity, delay so caused is sought to be condoned.

3. Learned AGP for the respondents - State as well as learned counsel for respondent no.3 opposed the application pointing out that there is no plausible explanation for the delay and applicant is not entitled for interest and statutory benefits for the delayed period.

4. For the reasons mentioned in civil application, more particularly, in paragraph nos. 2 to 5 and in the interest of justice and fair opportunity, delay so caused is required to be condoned. At the same time, the applicant shall not be entitled for the amount of interest for the delayed period. Hence, the following order is passed :-

ORDER

- (i) The application is allowed.
- (ii) The applicant/original claimant shall furnish undertaking that he would not claim the statutory benefits as well as the amount of interest for the delayed period.
- (iii) Registry is directed to register the Appeal.
- (iv) In First Appeal, issue notice to the respondents, returnable within eight weeks. Learned AGP waives service of notice on behalf of respondent Nos.1 and 2 – State. Learned counsel Mr. VinAZayak Narwade waives service of notice on behalf of respondent no.3.

(ABHAY S. WAGHWASE, J.)