



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

8 CIVIL APPLICATION NO. 9718 OF 2024
IN FAST/8313/2020
WITH
CIVIL APPLICATION NO. 9717 OF 2024
IN FAST/8310/2020

AMARSINGH VISHWANATH GAVHANE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Mr. Shinde (More) Vaishali A.
AGP for Respondent No. 1 : Mr. N.D. Raje
Advocate for Respondent No. 2 : Mr. Survase B.R.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 01.10.2025

PER COURT :

Heard both sides. Present applications are for condonation of delay of 2413 days in preferring the first appeals.

2. It is informed that respondent-acquiring body has also filed First Appeal No. 1572/2014 and First Appeal No. 1573/2014.

3. The learned counsel for the applicants submits that there are good grounds for condonation of delay as mentioned in the applications. The delay is not intentional. There are no *mala fides* on the part of the applicants.

4. The applications are contested by the learned counsel for the respondents. It is submitted that the applicants are not diligent in prosecuting the matter. There is huge delay and the applicants could engage a lawyer at the time of withdrawal of money deposited by the acquiring body. Even for some time applicant in Civil Application No. 9718/2024

appeared in person in the First Appeal No. 1572/2014. Considering the conduct of the applicants, it is liable to be dismissed.

5. I have considered the rival submissions of the parties. No reply has been filed to controvert the contents of the applications. I do not find any *mala fides* on the part of the applicants for preferring the appeals belatedly. The valuable propriety rights of the parties are at stake. I am of the considered view that the pragmatic approach is to condone the delay on certain conditions. I cannot oblivious of the fact that the appeals of the acquiring body are pending and ready for hearing.

6. It reveals that present applications were filed on 25.02.2020. Thereafter no steps were taken to circulate the applications for first order. The applications were dismissed for not removing the office objections and those were required to be restored. Thereafter vide order dated 10.10.2024, the notices were issued to the respondents. The applicants are not entitled to any benefit for the period of 25.02.2020 to 10.10.2024.

7. The civil applications are allowed in terms of prayer clause 'B' on condition that the applicants shall not be entitled to claim interest and statutory benefit for the delayed period of 2413 days, as well as for the period from 25.02.2020 to 10.10.2024, attributable to their lapses.

(SHAILESH P. BRAHME, J.)

mkd/-