



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

**913 CIVIL APPLICATION NO. 170 OF 2025
IN FAST/8285/2019
WITH
CIVIL APPLICATION NO. 5632 OF 2019
IN FAST/8285/2019**

BHIMRAO PANDURANG MORALE (DIED) THR LRS JANABAI AND
ORS
VERSUS
THE STATE OF MAHARASHTRA THR. COLLECTOR OSMANABAD
AND ANR

...
Mr. Jadhavar Shivprasad G., Advocate for Applicants
Mr. D. J. Patil, AGP for Respondent-State

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 08/01/2025.

P. C. :

A) ORDER IN CIVIL APPLICATION NO.5632 OF 2019 :

1. This is an application for condonation of delay of 1949 days in filing first appeal.
2. Heard the learned counsel for both the sides.
3. The learned counsel for the applicants pointed out that there is delay of 1949 days caused due to COVID-19. Further there is procedural delay in obtaining permission from the higher officer. Therefore, the delay is caused. He further submits that delay is not deliberately caused.

4. The learned AGP for the respondents strongly opposed the application and submitted that there is no sufficient reason to condone the delay as contemplated by Section 5 of the Limitation Act. He, therefore, submits to reject the application.

5. On perusal of the application, it appears that some procedural formalities were to be complied on the part of the applicants with the Ministry of State Government. The delay is not deliberately caused. Therefore, the application deserves to be allowed in the interest of justice. The application is allowed in terms of prayer clause-B and disposed of.

B) ORDER IN FAST NO.8285 OF 2019 :

1. Heard.
2. Issue notice to the respondents, returnable on 05/02/2025.
3. Call R & P.

C) ORDER IN CIVIL APPLICATION NO.170 OF 2025 :

1. Heard both sides.
2. This is an application for permission to withdraw entire amount deposited by respondent No.1 in this court.
3. Perused the application. For reasons stated in the application and considering the prayer, the application is partly allowed in terms of prayer clause-B and disposed of.

4. Registry is directed to pay 75% amount alongwith interest accrued thereon to the applicants / claimants equally, on usual undertaking.

(SANJAY A. DESHMUKH, J.)

VS Maind/-