



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 CIVIL APPLICATION NO. 14623 OF 2022
IN FAST/10377/2022

BIRJABAI HARISHCHANDRA RAJPUT (DIED) THR LRS. SHOBHA
HARISHCHANDRA RAJPUT

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AURANGABAD AND ANOTHER

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Advocate for Applicant : Mr. Abhishek M. Hajare

AGP for Respondent No.1 - State : Mrs. A. S. Mantri

Advocate for Respondent No.2 : Ms. Vaishali Swami h/f. Mr. M. C. Swami

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 29 SEPTEMBER 2025

PER COURT :

1. Present application is for condonation of delay of 3934 days caused in filing appeal against judgment and award passed by the Civil Judge, Senior Division, Vaijapur in L.A.R. No.162 of 2010 (Old L.A.R. No.433 of 1999).

2. Learned Advocate for applicant pointed out that, reasons for delay are spelt out in civil 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 as well as learned Advocate for respondent no.2 raised objections to condone the delay and submit that applicant is not entitled for amount of interest for the delayed period.

4. For the reasons mentioned in civil application, more particularly, in paragraph nos. 2 to 4 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 for 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 No.1. Learned Advocate Ms. Vaishali Swami h/f. Mr. M. C. Swami waives service of notice on behalf of respondent No.2.

(ABHAY S. WAGHWASE, J.)