



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 CIVIL APPLICATION NO. 13313 OF 2017
IN FAST/16100/2017

Pandurang Motiram Waghmare And Ors

VERSUS

The State Of Maharashtra And Ors

...

Mr. Agrawal Pavankumar S., Advocate for Applicant
Mr. G. A. Kulkarni, AGP for Respondents State
Mr. S. W. Munde, Advocate for Respondent No.3

CORAM : Y. G. KHOBRADE, J.

DATE : 3rd October, 2025

ORDER:

1. Heard Mr. Agrawal, the learned counsel for the applicants, Mr. Kulkarni, the learned AGP for the respondents-State and Mr. Munde, the learned counsel for Respondent No.3.

2. By the present application, the applicants/appellants pray for condonation of delay of 674 days caused while lodging the appeal, challenging the judgment and award dated 30.03.2015 passed by the learned Reference Court in LAR No. 29 of 2010.

3. The learned counsel appearing for the applicants canvassed that due to miscommunication from the earlier counsel, the applicants could not file the appeal within stipulated time and delay of 674 days caused, which is bonafide and substantial

4. Per contra, learned AGP and learned counsel for Respondent No.3 Acquiring Body strongly opposed the application on the ground

that no sufficient explanation has been given by the applicants for condoning the delay of 674 days and prayed for rejection of the application.

5. Needless to say that litigant should not be deprived from receiving substantial justice merely on technical ground and if the delay is explained properly, in that event, discretionary power left with the court under section 5 of the Limitation Act to condone the delay.

6. In the case in hand, the applicants assigned the reason that due to miscommunication from the previous counsel, they could not file the appeal within stipulated period. As per the ratio laid down in case of **Rafiq and Another Vs. Munshilal and Another (1981) 2 SCC 788**, litigant should not be suffered for the mistake of the lawyer. Therefore, considering the ground set out in the present case, the delay of 674 days caused while lodging the appeal is condoned.

7. Office to register the appeal and place before this court on 14.11.2025 for further action.

8. The Civil Application is disposed of.

(Y. G. KHOBRADE, J.)