



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

975 CIVIL APPLICATION NO. 7380 OF 2024
IN FAST/14327/2024

MANIK SHARANAPPA BIRADAR (DIED) THR. LRS SARUBAI @
SARASWATI M. BIRADAR AND ORS

VERSUS

THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR
LATUR AND ORS

WITH CIVIL APPLICATION NO. 7381 OF 2024
IN FAST/14329/2024

AND

976 CIVIL APPLICATION NO. 7461 OF 2024
IN FAST/12192/2024

MOHANRAO ZATINGRAO GHOGARE DIED THR LRS
PARWATIBAI MOHANRAO GHOGARE AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
LATUR AND ORS

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Advocate for Applicants : H. B. Nandagawale h/f Mr. Sakolkar
Vijay G.

AGPs for Respondent/s-State : Mr. D. B. Bhange, Mr. B. A.
Shinde, respectively.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 01.08.2025

PER COURT :-

1. Heard both sides.
2. Applicants are seeking condonation of delay of more than 5000 days in preferring appeals against the judgments and awards passed by the Reference Court. It is submitted by

learned counsel that in similarly placed six (6) appeals, delay of identical length was condoned by this Court by imposing cost of Rs.2,500/-. It is submitted that the claimants did not receive the amount awarded by the Reference Court. There are no malafides on the part of the applicants in approaching this Court.

3. Learned respective AGPs vehemently oppose the applications by referring to their affidavit-in-reply. It is contended that delay is inordinate and has not been explained properly.

4. I have considered rival submissions of the parties.

5. The common order dated 27.09.2024 condoning delay of 5121 days in preferring appeal of similarly situated claims cannot be lost sight of. There is no reason to doubt the averments of the applications. Applicants have lost earning source. It is desirable to condone the delay.

6. However, there is no explanation for the lapses on the part of the applicants from the date of filing of application i.e. 02.04.2024 till 31.01.2025, when first order was secured. These lapses are attributable to them only.

7. Civil applications are allowed and delay stands condoned on condition that applicants to deposit Rs.3000/- to the Government Dispensary, High Court within a period of four (4) weeks and further condition that applicants shall not be entitled to interest and statutory benefit for the delayed period as well as lapses from 02.04.2024 to 31.01.2025.

In First Appeals

8. **Admit.**

9. Learned respective AGPs waive service of notice for respondents/State.

10. Call for Record and Proceedings from the concerned Court.

11. It is clarified that applicants shall not be entitled to interest and the statutory benefits for the delayed period.

(SHAILESH P. BRAHME, J.)

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vmk/-