



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 **CIVIL APPLICATION NO. 15191 OF 2022**
IN FAST/17898/2022

SHAIKH HUZOOR KHAJA HUSSAIN (DIED) THR HIS LR.S RAJIYABEE
W/O HUZUR SHAIKH AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THR THE COLLECTOR, OSMANABAD
AND OTHERS

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Advocate for Applicants : Mr. Mohd. Amir h/f. Mr.Harshal P. Randhir
AGP for Respondent Nos.1 and 2 - State : Mr. N. D. Batule
Advocate for Respondent No.3 : Mr. D. S. Bagul

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 18 JULY 2025

PER COURT :

1. Present application is for condonation of delay of 39 days caused in filing appeal against judgment and award passed by the 2nd Joint Civil Judge, Senior Division, Osmanabad in L.A.R. No. 206 of 2013.

2. Learned Advocate for applicants pointed out that, reasons for delay are spelt out in paragraph no.2 of the 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 APP as well as learned Advocate for the respondent

No.3 raised formal objections to condone the delay pointing. They both submit that applicants are not entitled for amount of interest for the delayed period.

4. For the reasons mentioned in civil application, more particularly, in paragraph no.2 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 applicants/original claimants 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 APP waives service of notice on behalf of respondent Nos.1 and 2. Learned counsel Mr. D. S. Bagul waives service on behalf of respondent no.3.

(ABHAY S. WAGHWASE, J.)