



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 **CIVIL APPLICATION NO. 2251 OF 2022**
IN FAST/23237/2021

SHAIKH MUKTHAR SHAIKH ISMAIL

VERSUS

STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND OTHERS

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Advocate for Applicant : Mr. Firoj Shirpurkar h/f. Mr. More Kumar Gaurav M.
AGP for Respondent - State : Mrs. A. S. Mantri

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 24 SEPTEMBER 2025

PER COURT :

1. Present application is for condonation of delay of 848 days caused in filing appeal against judgment and award passed by the Joint Civil Judge, Senior Division, Jalna in L.A.R. No.564 of 2011.

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 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.5 to 7 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 they 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 Nos.1 and 2.

(ABHAY S. WAGHWASE, J.)