



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 2176 OF 2015
IN FAST/23784/2014

SADASHIV SANGRAM HANGARGE AND ANOTHER
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

WITH

CIVIL APPLICATION NO. 2177 OF 2015
IN FAST/24213/2014

BALAJI GANPATI CHANDAWAR AND ANOTHER
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

WITH

CIVIL APPLICATION NO. 2178 OF 2015
IN FAST/24211/2014

GOPINATH SANGRAM HANGAREGE
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

WITH

CIVIL APPLICATION NO. 2179 OF 2015
IN FAST/24215/2014

MADHAV GOPINATH HANGARGE
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

WITH

CIVIL APPLICATION NO. 2189 OF 2015
IN FAST/24277/2014

BAPURAO SANGRAM HANGARGE VS.
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Mr. Halkude S.S.
AGP for Respondents/State : Mr. S.M. Ganachari

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CORAM : SHAILESH P. BRAHME, J.

DATE : 17th APRIL 2025

PER COURT :

. Learned AGP appears for Respondent Nos. 2 and 3 in all the appeals. Hence applications can be dealt with. Heard both sides.

2. Leave is granted to incorporate number of days of delay in prayers of the applications.

3. These applications are for condonation of delay which are ranging from 818 to 909 days. These appeals are arising out of common judgment and order passed on 17.12.2011 by the Reference Court. The Applicants have assigned reasons for condonation of delay in paragraph nos. 2 and 3 of their applications.

4. Learned Counsel for the Applicants Mr. Halkude submits that there are no malafides in preferring appeals belatedly. The Applicants are Agriculturists and they are deprived of source of income. In some matter, there are lapses on the part of Advocates also, who were appearing for them. He would pray that appeals need to be considered on merits. They have every hope of success in appeals. Applicants are ready to forego interest and statutory benefits for the delayed period.

5. Learned AGP vehemently opposes the submissions. He would submit that the delay is inordinate and that would cause burden on public exchequer. Only general reasons are assigned which cannot be relied on.

6. I have gone through the reasons assigned by the Applicants for condonation of delay in paragraph no.2 of their applications. Applicants have lost source of income. The delay cannot be said to be intentional. It appears that circumstances were beyond their control. I do not find that the reasons mentioned in the applications, can be doubted. A pragmatic view has to be taken by condoning the delay and depriving them from interest and statutory benefits for the delayed period. In that view of the matter, I propose to allow the applications for condonation of delay. Hence I pass following order :

ORDER

(i) All Civil Applications are allowed by condoning the delay caused in preferring First Appeals as mentioned in the prayer clause of the applications on following conditions :

(a) Applicants shall not be entitled to statutory benefits and the interest for the period of 903 days in Civil Application No.2176/2015.

(b) Applicants shall not be entitled to statutory benefits and the interest for the period of 909 days in Civil Application No.2178/2015.

(c) Applicants shall not be entitled to statutory benefits and the

interest for the period of 909 days in Civil Application No.2177/2015.

(d) Applicants shall not be entitled to statutory benefits and the interest for the period of 818 days in Civil Application No.2179/2015.

(e) Applicants shall not be entitled to statutory benefits and the interest for the period of 909 days in Civil Application No.2189/2015.

(ii) Office is directed to register the First Appeals.

SHAILESH P. BRAHME
JUDGE

NAJEEB..