



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

**28 CIVIL APPLICATION NO. 10325 OF 2023
IN FAST/27558/2021**

BABUMIYA S/O MEHATABSAB AND OTHERS

VERSUS

**THE STATE OF MAHARASHTRA, THR. DISTRICT COLLECTOR,
NANDED AND OTHERS**

...

Advocate for Applicant : Mr. Kiran M. Nagarkar

AGP for Respondent nos.1 & 2 : Mr.S.M.Ganachari

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 21 JULY, 2025

PER COURT :-

1. This application is filed by the claimants for condonation of delay of 767 days caused in filing first appeal against the judgment and order dated 08-05-2019 passed by the learned Civil Judge, Senior Division, Mukhed in LAR No.621 of 2007.

2. Learned AGP for respondent nos.1 and 2 opposed application stating that delay is not properly explained. It is further submitted that, if at all this Court is inclined to condone the delay, the statutory benefits may not be granted for the period of delay.

3. For the reasons mentioned in the application and in the interest of justice, delay is required to be condoned. Accordingly, application is allowed. Delay is condoned on the condition that the applicants shall not be entitled for the interest for the period of delay.

4. Accordingly, application is disposed of.

5. Appeal be registered. On registration of appeal, issue notice to the respondents, returnable within four weeks thereafter. Learned AGP waives service of notice for respondent nos.1 and 2.

(ABHAY S. WAGHWASE)
JUDGE

SPT