



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

**27 CIVIL APPLICATION NO. 8933 OF 2022
IN FAST/31571/2021**

**RUSTUM S/O LIMBAJI BORUDE (DIED), THR. HIS LRS.
ANUSAYABAI W/O. RUSTUM BORUDE AND ORS**

VERSUS

**THE STATE OF MAHARASHTRA, THR. COLLECTOR, JALNA AND
ORS**

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Advocate for Applicant : Mr. Durgesh Madhukar Pingale

AGP for Respondent nos.1 to 3 : Mr.S.S.Dande

Advocate for Respondent no.3 : Mr. Sudhir Govind Bhalerao

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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 1841 days caused in filing first appeal against the judgment and order dated 12-08-2016 passed by the learned Joint Civil Judge, Senior Division, Jalna in LAR No.91 of 2011.

2. Learned AGP waives service of notice for respondent no.3 also.

3. Mr.Bhalerao, learned counsel submits that his appearance for respondent no.3 may be discharged.

In view of this, appearance of Mr.Bhalerao, learned counsel be discharged.

4. Learned AGP 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.

5. 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.

6. Accordingly, application is disposed of.

7. Appeal be registered. On registration of appeal, issue notice to the respondents, returnable within four weeks thereafter. Learned AGP waives service of notice for all respondents.

(ABHAY S. WAGHWASE)
JUDGE