



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

**CIVIL APPLICATION NO. 7447 OF 2024
IN
FIRST APPEAL STAMP NO. 11077 OF 2024**

Basantidevi Madanlal Gilda .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri H. B. Nandagavale, Advocate for the Applicant.
Shri D. B. Bhange, A.G.P. for the Respondent Nos. 1 and 3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 24TH JUNE, 2025.**

FINAL ORDER :

. Heard Mr. Nandagavale, learned counsel for the applicant and Mr. Bhange, learned Assistant Government Pleader for the respondent Nos. 1 and 3. None appears for the respondent No. 2/acquiring body.

2. This application is for condonation of delay of 4003 days caused in preferring appeal. Despite opportunity, the respondent No. 2 has not caused appearance. By order dated 15th April, 2025 a last chance was given.

3. Applicant is seeking condonation of delay by pressing into service the reasons stated in para Nos. 2 to 6. Learned counsel for the applicant submits that there are no malafides on the part

of the applicant in preferring the appeal belatedly. There are compelling circumstances for the applicant, which prevented her to prefer the appeal within limitation.

4. Learned A. G. P. has relied on affidavit in reply to oppose the application.

5. Contesting respondent has not caused appearance. The contentions of the civil application have not been rebutted by the contesting party. There is no reason to doubt the bonafides of the applicant. I have considered affidavit in reply of the respondent Nos. 1 and 3. I find that case is made out by the applicant for condoning delay by imposing certain conditions.

6. The civil application is allowed in terms of prayer clause 'B' on condition that applicant shall not be entitled to interest and statutory benefits for the delayed period and on condition of depositing cost of Rs. 3,000/- (Rs. Three thousands only) with the High Court Advocates Bar Association, Aurangabad within a period of four (04) weeks from today. Office shall register the first appeal. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/June 25