



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

951 CIVIL APPLICATION NO. 5806 OF 2025
IN X-OBJST/13367/2025

TULAB @ GULAB MAHADAPPA MUDKANNA DIED THR LRS
SHAKUNTALA GULAB @ TULAB MUDKANNA AND ORS
VERSUS

THE STATE OF MAHARASHTRA THR. COLLECTOR OSMANABAD AND ANR

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Advocate for Applicant : Mr. Shashikiran N. Patil.

AGP for Respondent / State : Mr. Virendra V. Jahagirdar.

Advocate for Respondent No.2 : Mr. Rahul A. Tambe.

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 25th February, 2026.

P.C.:

1 This is an application for condonation of delay of 5562 days caused in filing the cross-objection.

2 Heard the learned counsel for the parties. Perused the application.

3 The learned counsel for the applicants submitted that the applicants are poor agriculturists and they are not knowing the procedure and provisions of law. They could not manage the money for paying the court fees and filing an appeal. Therefore, the applicants could not file an appeal within the period of limitation and the delay is not deliberately caused.

4 The learned AGP for the State and Mr. Tambe, learned counsel for respondent No.2 strongly opposed the application and submitted that the reasons given in the application are not acceptable and sufficient to condone the delay as contemplated by Section 5 of the Limitation Act. It is submitted to reject the application.

5 The reasons given in the application that the applicants are poor agriculturists and were unable to arrange the necessary funds for filing the appeal, appear to be natural, probable, and acceptable. The delay is not deliberately caused.

6 Considering the arguments of both the sides and the reasons stated in the application, particularly the applicants are poor agriculturist, the application deserves to be allowed, in the interest of justice, in view of the judgment of the Honourable Supreme Court in the case of ***New Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma (Dead) Through Legal Heir & Anr.***, by judgment dated 17th November, 2022, passed in Civil Appeal Nos.8331 8345 of 2022.

7 For the reasons stated in the application, the delay stands condoned. The application stands allowed in the interest of justice.

[SANJAY A. DESHMUKH, J.]