



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

**914 CIVIL APPLICATION NO. 12592 OF 2025
IN FAST/24366/2025**

Bhikabai Sanjay Wankhede And Ors

VERSUS

Shaikh Abdul Shaikh Bashir And Anr

...

Mr. Amol P Khedkar, Advocate for Applicant

Mr. Niranjana Dhake, Advocate for Respondent No.1 (Appointed)

....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 08.04.2026

PER COURT :-

1. Heard.

2. This is an application for condonation of delay of 6617 days caused in filing the first appeal.

3. Learned advocate for the applicants pointed out the grounds stated in the application and submitted that the delay was not deliberately caused. He further submitted that the applicants are the poor and uneducated persons having no knowledge of legal proceedings, therefore, they failed to prefer the appeal within limitation. He prayed to allow the application.

4. The learned Advocate for respondent No.1 strongly opposed the application and submitted that there is no sufficient

reason to condone the delay. He prayed to reject the application.

5. On perusal of the application, particularly paragraph Nos.7 and 8, it appears that the Insurance Company had preferred the appeal, however, it was dismissed by default. The applicants are poor and uneducated persons having no knowledge of legal proceedings. Considering the social status of the applicants and the fact that the *lis* of the claimants has to be decided on merits, as well as the law laid down by the Hon'ble Supreme Court in ***Collector, Land Acquisition, Anantnag v. Mst. Katiji and others, (1987) 2 SCC 107***, wherein it is held that a liberal approach is required to be adopted while considering applications for condonation of delay, the present application deserves to be allowed in the interest of justice, as the delay is neither deliberate nor intentional. Hence, the following order:

::ORDER::

- a. Civil Application is allowed.
- b. The delay of 6617 days caused in filing the first appeal is condoned.
- c. It is clarified that the applicants shall not be entitled to interest and other statutory benefits for the delayed period in case, their appeal is favourably considered.

FIRST APPEAL

1. Issue notice to the respondents, returnable on 17.07.2026.
2. Call Record and Proceedings.

[SANJAY A. DESHMUKH, J.]

HRJadhav