



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12678 OF 2025 IN FA/1511/2010

Marwadi Rajasthan Education So Latur

VERSUS

The State Of Mah And Ors

...

Mr. Shrikant Sonkawade i/b Ms. Dube Anjali (Bajpai), Advocate for
Applicant

Mr. S. G. Joshi, AGP for respondent-State

CORAM : SANJAY A. DESHMUKH, J.

DATED : 27TH FEBRUARY, 2026

PER COURT :-

1. This is an application for condonation of delay of 5341 days caused for filing the present application for restoration of First Appeal to its original stage.
2. Perused the application. Heard learned Advocate for the respective parties.
3. Learned Advocate for the applicant submitted that only because the paper book was not filed, the appeal has been dismissed. He further pointed out the reasons stated in the application and submitted that because of the fault of the earlier Advocate, the applicant could not file paper book within the stipulated time. He therefore prayed to condone the delay in the interest of justice as the delay is not deliberately caused.
4. Learned AGP for the respondent-State strongly opposed the application and submitted that there is no sufficient reason to condone the delay as contemplated under Section 5 of the Limitation Act. He submitted to reject the application.
5. Upon perusal of the application, it appears that the delay

has not been deliberately caused and it is the mistake of the Advocate by which the appeal was dismissed. Considering the reasons stated in the application and in view of law laid down in the case of ***New Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma, Civil Appeal Nos.8331-8345 of 2022***, delay deserves to be condoned. Hence, the following order:

ORDER

- a. Civil Application is allowed.
- b. Delay of 5341 days caused for filing the present application for restoration of First Appeal is condoned.
- c. First Appeal be restored to its original position.
- d. Civil Application is disposed of.

FIRST APPEAL

- . Issue notice to the respondents. Learned AGP waives service of notice for respondent-State.
2. Place the matter for final hearing on 30.03.2026.

(SANJAY A. DESHMUKH, J.)