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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3386 OF 2015
IN
FIRST APPEAL STAMP NO. 6197 OF 2015

WITH
CIVIL APPLICATION NO. 3387 OF 2015
IN
FIRST APPEAL STAMP NO. 6195 OF 2015

Rameshwar Sakharam Dahatonde
VERSUS

APPLICANT

The State of Maharashtra & others

RESPONDENTS

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Mr. B. S. Kudale, Advocate for the applicant

Mr. S. P. Daund, AGP for respondent State

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[CORAM : M. T. JOSHI, J.]

DATE : 12th MARCH, 2015

ORDER :

1. Heard both the sides.
2. Delay of 4140 days is sought to be condoned by the applicant by the present applications.
3. The facts would show that dispute regarding entitlement to the compensation was going on between the present appellant and his real brother i.e. respondent No.3. Ultimately, in the year 2013, it was resolved that the applicant would be entitled for the said compensation and thereafter the decision regarding filing of

the appeals is taken. Mr. Kudale, learned advocate submits that accompanying first appeals bearing Nos. 356 of 2008 and 357 of 2008 seeking same claim of enhancement are already pending in this Court.

4. Considering all the facts on record, in my view, sufficient reason is made out. Present applicant has already undertaken in the present applications that he would not claim interest over the delayed period in case any enhancement is granted. Hence the following order.

ORDER

1. The applications are allowed, without any order as to costs, on the condition that in case any enhancement is granted in the appeals, the applicant – appellant would not be entitled for any statutory interest over the enhanced compensation for the delayed period.
2. Both the applications stand disposed of.
3. Upon registration of the appeals, the same be placed with companion appeals bearing Nos. 356 of 2008 and 357 of 2008.

[M. T. JOSHI, J.]