

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4765 OF 2014

IN FAST/9544/2014

WITH

FAST NO. 9544/2014

VIJAYKUMAR CHANAPPA MIRCHE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Sakolkar Vijay G.

AGP for Respondents: Mr. D. V. Tele

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CORAM : S. V. GANGAPURWALA, J.

DATE : 4th September, 2015

PER COURT :

1. Issue notice to the respondents. Learned AGP waives notice for respondents 1 and 2.
2. Learned AGP opposes the application for condonation of delay. Learned counsel for the applicant stated that the applicant is residing in remote rural village. There was communication gap. The applicant has shown bonafide by submitting undertaking, waiving statutory benefit for the delayed period. The undertaking is taken on record.
3. Considering the aforesaid aspects of the matter and the reasons stated in the application, which are not controverted by the respondents by filing affidavit, the application is allowed. Delay condoned. Civil application disposed of.
4. Issue notice to the respondents in first appeal. Learned counsel waives notice for the respondents.

5. It is made clear that in case this court comes to the conclusion to grant enhancement, then in that event, the applicant would not be entitled for statutory benefit from the date of the judgment and award of the reference Court till filing of the appeal.

6. Call record and proceedings.

(S. V. GANGAPURWALA, J.)

JPC