

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

**CIVIL APPLICATION NO. 11461 OF 2015
IN
FIRST APPEAL ST. NO. 25918 OF 2015**

Nagappa Havappa Sagre .. Applicant

Versus

The State of Maharashtra and another .. Respondents

**WITH
CIVIL APPLICATION NO. 12106 OF 2015
IN
FIRST APPEAL ST. NO. 27046 OF 2015**

Savita Bhagwat Garad .. Applicant

Versus

The State of Maharashtra and another .. Respondents

**WITH
CIVIL APPLICATION NO. 12107 OF 2015
IN
FIRST APPEAL ST. NO. 27587 OF 2015**

Sadanand Bhimashankarappa Utge .. Applicant

Versus

The State of Maharashtra and another .. Respondents

WITH

**CIVIL APPLICATION NO. 12108 OF 2015
IN
FIRST APPEAL ST. NO. 27986 OF 2015**

Subhashappa @ Shivshankarappa S/o
Shivmurtiappa Utge .. Applicant

Versus

The State of Maharashtra and another .. Respondents

**WITH
CIVIL APPLICATION NO. 12109 OF 2015
IN
FIRST APPEAL ST. NO. 27984 OF 2015**

Parwati Bhagwan More .. Applicant

Versus

The State of Maharashtra and another .. Respondents

Shri A. R. Devkate, Advocate for the Applicant in all matters.
Shri D. V. Tele, A.G.P. for the Respondents/State in all matters.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 23RD SEPTEMBER, 2015.**

PER COURT :

. These are the applications for condonation of delay caused in filing appeals.

2. Mr. Devkate, the learned counsel submits that, today only appeals filed by the State against same judgment and award are

dismissed. In fact, the claimants were of the view that in case the appeals of the state are admitted, the claimants would file cross objections in the said appeals. As such appeals were not filed. The State has already filed appeals in the year 2008. However, at the admission stage the appeals of the State have been dismissed. To show the bonafides the claimants have filed undertaking to this Court stating that in case this Court awards enhanced amount of compensation, then the claimants would waive statutory benefits for the delayed period.

3. Mr. Tele, the learned Assistant Government Pleader submits that, there is no cause muchless sufficient cause to condone the delay. The delay is inordinate one.

4. I have considered the submissions canvassed by the learned counsel for respective parties. The respondents have not controverted the averments made in applications by filing affidavit in reply. Be that as it may, I have dismissed the appeals filed by the State today itself. If the appeals filed by State would have been admitted, the present applicants/appellants could have got opportunity to file cross objections. The applicants have filed undertaking before this Court mentioning that, in case this Court comes to the conclusion to enhance the compensation amount, then, the applicants would not claim statutory benefits for the delayed period.

5. In the light of the above, the civil applications are allowed. The delay is condoned with a rider that in case this Court enhances the compensation amount, then the applicants would not be entitled for the statutory benefits from the date of judgment of the Reference Court till this date i. e. 23.09.2015. The civil applications are disposed of.

6. Place the first appeals for admission on 08.10.2015.

[S. V. GANGAPURWALA, J.]

bsb/Sept. 15