

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

28 CIVIL APPLICATION NO. 2556 OF 2014
IN FAST/5475/2014

KISHORE BHIKNRAO WAGH AND OTHERS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, JALGAON AND
ANOTHER

...
Advocate for Applicants : Deshmukh Shambhuraje V
AGP for Respondent No. 1 : Miss. R.P. Gaur
Advocate for Respondent No. 2 : M.K. Goyanka
...

CORAM : T.V. NALAWADE, J.
DATED : 19th January, 2016.

PER COURT :

1. The application is filed for condonation of delay of 1442 days caused in filing appeal against judgment and award of Reference Court. The original claimants wants to challenge the judgment on the point of quantum of compensation. Heard both the sides.

2. In view of the contentions made in the application and submissions made, this Court holds that sufficient cause is shown. However, there will be question of making huge payment of interest at higher rate in respect of 1442 days. In view of this circumstance, the learned counsel for applicants makes a statement and gives oral undertaking that the appellants will not

claim interest in respect of 1442 days, if the compensation is increased. In view of this statement and oral undertaking given by the learned counsel for the applicants, the application is allowed. Delay is condoned, subject to condition that interest will not be payable in respect of period of 1442 days, if the compensation is increased.

3. Notice in first appeal. It is waived by the learned AGP for respondent No. 1 only. Shri. M.K. Goyanka waives notice for respondent No. 2. Call record and proceeding. List for admission purpose on 31.3.2016.

[T.V. NALAWADE, J.]

ssc/