

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.3956/2015

**920 CIVIL APPLICATION NO. 3956 OF 2015
IN FA/355/1999**

SHESHRAO BAPURAO SHINDE SINCE DECEASED THR LRS
RAJENDRA SHESHRAO SHINDE
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Smt.Ashwini R.Mate h/f
Mr.Shri A.H.kasliwal
AGP for Respondent State: Mr.R.B.Bagul

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CORAM : P.R. BORA, J.
Dated: April 12, 2016
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PER COURT :-

1. This application is filed for taking the legal heirs of the appellant on record and to condone the delay which is caused in preferring such application.

2. Learned Counsel appearing for the applicant submitted that though the appeal was filed in the year 1999, it could not be listed for hearing for years together. It is further submitted that when some times in the year 2014, the matter was to be listed for hearing, the Counsel appearing for deceased appellant made a phone call for intimating the appellant that the matter is now posted for hearing, at that time it was revealed that the appellant had expired in the year 2007 itself. In the circumstances, according to the applicant, the delay is caused in preferring the application.

3. Learned A.G.P. has opposed for condonation of delay stating that apparently, the applicant was not diligent and

AGP/-

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the delay of such huge period, without any sufficient cause, cannot be condoned.

4. Learned Counsel for the applicant has submitted that the claimants will not claim the interest of the intervening period for which delay is caused in the event their appeal is allowed and the compensation amount is enhanced.

5. In view of the statement so made and for the reasons stated in the application for occurrence of such delay which, according to me, are possible reasons, the delay deserves to be condoned. Hence, the following order:

ORDER

- a) The delay is condoned.
- b) The name of the applicants be taken on record as legal heirs of the deceased appellant.
- c) It is clarified that if the appeal is allowed and the amount of compensation is enhanced by this Court, the appellant / applicant will not be entitled for the interest for the period of 2602 days.
- d) Application stands disposed of. Necessary amendment be carried out.

(P.R. BORA, J.)

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