

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

39/2 CIVIL APPLICATION NO. 4530 OF 2016

IN

FIRST APPEAL ST.NO. 8932/2016

SARSWATIBAI KISHANRAO KULKARNI

VS

THE STATE OF MAHARASHTRA AND ANR.

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Mr. Gajanan K.Sontakke, Adv. For applicant;

Mr. SN Morampalle, AGP for Resp.No.1

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CORAM : P.R. BORA, J.

Dated: August 29, 2016

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PER COURT :-

1) Heard. Delay of 1901 days has occurred in filing the present appeal by the original claimant in exception to the Award passed in LAR No. 02/2000.

2) Learned Counsel appearing for the applicant/appellant has tendered across the Bar an undertaking sworn in by the applicant to the effect that, she will not claim or ask for any interest for the period of delay. The said undertaking is taken on record. The learned Counsel submitted that though in the undertaking submitted, the delay is mentioned of the period of 1895 days, the same is in fact of 1901 days, but inadvertent mistake has occurred in mentioning the period of delay in the undertaking.

3) Learned AGP has opposed for condoning the delay.

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4) Having considered the reasons for occurrence of the delay and more particularly in view of the undertaking submitted by the appellant, referred to above, I am inclined to allow the present application.

5) The delay occurred in filing the appeal is condoned. The appeal be registered in accordance with law.

6) It is clarified that the appellant/applicant will not be entitled for any interest of the period of delay, i.e. For the period of 1901 days, in the event of success of the appeal and consequently her matter is remitted back to the Reference Court and the amount of compensation is enhanced by the Reference Court.

7) The Civil Application stand disposed of.

8) Copy of this order be kept in the papers of Appeal.

(P.R. BORA, J.)

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