

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

36 CIVIL APPLICATION NO. 9630 OF 2016  
IN FAST/8187/2016 WITH CA/9631/2016 IN  
FAST/8978/2016 WITH CA/9632/2016 IN  
FAST/8975/2016 WITH CA/9633/2016 IN  
FAST/8928/2016 WITH CA/9634/2016 IN  
FAST/8930/2016 WITH CA/9635/2016 IN  
FAST/8934/2016 WITH CA/9636/2016 IN  
FAST/8936/2016 WITH CA/9637/2016 IN  
FAST/8972/2016

MINAXI LINGRAM DUDDE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicant : Mr. Sontakke Gajanan K  
Mr. AM Phule, AGP for Respondents:

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**CORAM : P.R.BORA, J.**

**DATE : 13<sup>th</sup> October, 2016.**

**PER COURT :**

1) Heard. Delay of 1367 days has occurred in filing the present appeals by the original claimant/s. Learned Counsel appearing for the applicants/appellants submitted that in arranging for amount of court fees and in seeking the legal assistance, the delay was caused and the appeals could not filed within stipulated period of limitation. The learned Counsel submitted that the applicants/appellants have already filed an undertaking on record to the effect that in the event the appellants succeed and the amount of

compensation is enhanced, they will not claim the statutory benefits or the interest of the period of delay.

2) Shri Phule, learned AGP has opposed for condoning the delay stating that though the delay of more than three years has occurred in filing the appeals, no sufficient reasons are assigned by the applicants/appellants. The learned AGP, therefore, prayed for rejecting the application.

3) After having considered the contentions raised by the applicants/appellants in the applications for condonation of delay, it appears to me that the applicants have assigned certain reasons which cannot be outrightly rejected. Moreover, the applicants/appellants have also submitted the undertaking that they will not be claiming any statutory benefits or benefit of interest for the delayed period. I am, therefore, inclined to allow the present applications for condonation of delay. The delay is condoned. The applications for condonation of delay are allowed and disposed of. The appeals be registered in accordance with law.

. It is clarified that in the event the appellants succeed and consequently the amount of compensation is enhanced, as undertaken by the appellants, they will not be entitled for the

statutory benefits or the interest of the period of delay.

. Place a copy of this order in the papers of the appeals.

. Stand over to 15<sup>th</sup> October, 2016.

**(P.R.BORA)**  
**JUDGE**

bdv/