

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

966 CIVIL APPLICATION NO. 10543 OF 2015
IN FAST/14928/2014

UDHAV RAOSAHEB LATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Kavita Shendge h/f. Kakade Deepak M.
AGP for Respondents 1 & 3 : S.R. Yadav
...

CORAM : T.V. NALAWADE, J.
DATED : 4th March, 2016.

ORDER :

1. The application is filed by the original claimant for condonation of delay of 2067 days caused in filing appeal against judgment and award of Reference Court. It is the contention of the original claimant that he did not receive correct legal advise and then he required some time to collect the resources as there was no money for taking steps and for making payment of Court fees and making payment of advocate fees. Nothing could have been achieved by not filing the appeal in time. This Court holds that sufficient cause is shown. However, there will be question of payment of interest at higher rate in respect of 2067 days. In view of this circumstance, the learned counsel for original claimant makes a statement and gave undertaking that the claimant will not be claiming interest in

respect of delay period of 2067 days. In view of this circumstance, application is allowed. Delay is condoned, subject to condition that claimant will not be entitled to claim interest in respect of delay period of 2067 days, if the compensation amount is enhanced.

2. Notice in appeal. The learned AGP waives notice for respondent Nos. 1 and 3. Notice to respondent No. 2 made returnable on 10.8.2016. Call record and proceeding.

[T.V. NALAWADE, J.]

ssc/