

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

915 CIVIL APPLICATION NO. 7472 OF 2007
IN FAST/15388/2007

MANIK GUNDIBA GHIRE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicant : Mr. D R Jayabhar
Mr. CV Dharurkar, AGP for Respondents: 1 & 2.

CORAM : P.R.BORA, J.

DATE : 20th April, 2016.

PER COURT :

1) Heard the learned Counsel appearing for the appellant/applicant.

2) Delay of 1071 days has occurred in filing the present appeal by the original claimant. The learned Counsel for the original claimant submitted that some of the appeals, arising out of the same acquisition, some filed by the claimants and some filed by the acquiring body, have already been admitted by this Court. The learned Counsel has placed on record a copy of order passed in one of such appeals bearing

First Appeal St.No.12777/2009.

3) The learned AGP though has opposed for condoning the delay, has alternatively submitted that, if the claimant submits an undertaking that he will not claim any interest of the period of delay, the delay may be condoned. The learned counsel for the claimant has fairly submitted that the claimant will submit an undertaking to the effect that he will not claim any interest of the period of delay, in the event his appeal is allowed and the amount of compensation is enhanced,.

4) In view of the fact that the other appeals arising out of the same Award have been admitted and are pending for hearing, I am inclined to allow the present application. Hence, the following order, -

ORDER

- i) The application is allowed;
- ii) The delay caused in filing the appeal is condoned subject to filing of

undertaking by the claimant that he will not claim any interest of the period of delay in the event his appeal is allowed and the amount of compensation is enhanced,;

iii) The appeal be registered in accordance with law;

iv) The Civil Application is disposed of.

(P . R . BORA)
JUDGE

bdv/