

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

**CIVIL APPLICATION NO. 10415 OF 2016
IN
FIRST APPEAL (ST) NO. 19342 of 2016**

Baliram Tapiram Bhil and Others ..APPLICANTS

VERSUS

State of Maharashtra and Others ..RESPONDENTS

....

Mr. B.R. Warmaa, Advocate for applicants.

Mr. A.M. Phule, A.G.P. for respondents.

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**CORAM : P.R. BORA, J.
DATED : 29th JULY, 2016**

ORDER :

. Delay of 1241 days has occurred in filing the present appeal by the original claimants. Mr. Warmaa, learned Counsel for the appellants/applicants submitted that after passing of the award Applicant/Claimant No.2 – Bhaidas Tapiram Bhil died in the year 2012 whereas Applicant/Claimant No.3 – Ravindra Jayara Bhil died in the year 2015. The learned Counsel further submits that the Legal Representatives of the deceased – original claimants could not take decision whether to prefer an appeal for enhancement and ultimately they decided to file an appeal on 02.06.2016 and thereafter the appeal has been preferred by the original claimants.

2. The learned Counsel submits that there are various grounds raised in the appeal in exception to the impugned award and the applicants need to be provided with an opportunity to contest their matter on merits. The learned A.G.P. strongly opposed for condoning delay. According to him, the reasons stated in the application are insufficient for condoning the delay of such huge period.

3. After hearing the learned Counsel for the respective parties and more particularly having regard to the fact that after passing of award some of the claimants died and their Legal Representatives were to take the decision whether to file an appeal, it appears to me that an opportunity needs to be given to the appellants/applicants to contest their matter on merits and therefore I am inclined to allow the application.

4. The application is allowed. The delay caused in filing the present appeal is hereby condoned. Appeal be registered in accordance with law. Civil application stands **disposed of**.

5. It is clarified that in the event the appeal filed by the appellants is allowed, they will not be entitled to claim interest of the period of delay caused in filing the appeal.

(P.R. BORA, J.)

SSD