

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

923 CIVIL APPLICATION NO. 13238 OF 2012
IN FAST/22028/2012 WITH CA/13239/2012 IN FAST/22073/2012

DEVIDAS RAMRAO MAHAJAN
VERSUS
THE STATE OF MAH AND ORS

...
Advocate for Applicant : Murge Estling S
AGP for respondent No. 1 : S.R. Yadav
Advocate for Respondent No. 2 : J.R. Patil h/f. Mr. Gulab Rajale
...

CORAM : T.V. NALAWADE, J.
DATED : 25th February, 2016.

ORDER :

1. Both the applications are filed for condonation of delay of 905 days caused in filing appeal against the judgments and awards of Reference Court. Both the sides are heard. Original claimants wants to challenge the decision on the point of quantum of compensation. In view of the contents of the application and submissions made, this Court holds that sufficient cause is shown. However, there will be question of making payment of interest at higher rate in respect of delay period of 905 days. In view of this circumstance, the learned counsel for original claimants gave oral undertaking and made a statement that claimants will not claim interest in respect of aforesaid period. In view of this undertaking, the applications are allowed. Delay is condoned, subject to condition that claimants

will not be entitled to the compensation of delay period of 905 days, if at all, compensation is enhanced in the appeal.

2. Notice in appeal. The learned counsel Shri. Rajale waives notice for respondent No. 2. The learned AGP waives notice for respondent No. 1. Call record and proceeding.

3. Stand over to 1.3.2016 as the submission was made that connected matter was kept for final hearing on that date.

[T.V. NALAWADE, J.]

ssc/