

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.11143/2016

**957 CIVIL APPLICATION NO. 11143 OF 2016
IN FAST/22020/2016**

CHATURABAI BHAGWAN BHABAT
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr.Kuptekar Sachin V.
AGP for Respondent State:Mr.A.D.Namde

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CORAM : P.R. BORA, J.
Dated: October 07, 2016

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PER COURT :-

1. Heard learned Counsel appearing for the applicant and learned A.G.P. for respondent State.
2. Learned Counsel appearing for the applicant submitted that First Appeal bearing No.3094/2008, arising out of the award impugned in the present appeal filed by the State has been already admitted. Learned Counsel submits that because of some unavoidable circumstances and financial crunch, the applicant could not file the appeal within the stipulated period of limitation. The applicant has filed on record an undertaking to the effect that in the event applicant succeeds in the appeal and the amount of compensation is enhanced, the applicant will not claim any statutory benefit or interest of the intervening period. Though learned A.G.P. has opposed for condonation of delay, stating that the delay is huge, and has not been

AGP/-

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properly explained, in view of the fact that the First Appeal filed by the State against the same award is admitted, and is pending for consideration, and further taking into account the fact that the applicant has undertaken not to claim any statutory benefit or interest, I am inclined to allow the present application for condonation of delay.

3. Hence, the following order:

ORDER

1. The delay is condoned. Civil Application stands disposed of.
2. The Appeal be registered in accordance with law.
3. It is clarified that as undertaken by the appellant / applicant in the event appellant / applicant succeeds, the applicant / appellant will not be entitled for any statutory benefit or interest of the period of delay.
4. The order passed in the Civil Application be placed in the paper book of the appeal.

(P.R. BORA, J.)

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