

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

11 CIVIL APPLICATION NO. 10550 OF 2015  
IN FAST/22287/2015

SHILABAI UTTAM GOSAVI  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Kabade Vivek V  
Mr. RB Bagul, AGP for Respondents

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**CORAM : P.R.BORA, J.**

**DATE : 13<sup>th</sup> April, 2016.**

**PER COURT :**

1) Heard. This is an application seeking condonation of delay caused by the present applicant in filing the appeal against the judgment and Award passed in LAR No.743/2009. The learned Counsel appearing for the applicant submitted that there was lack of communication in between the advocate who was appearing for the present applicant in the Reference Court and as such, the applicant was unaware of the proceeding before the Reference Court. The learned Counsel submitted that in the above circumstances, the Reference Court has decided the Reference without

any oral and documentary evidence from the side of the appellant/applicant. The learned Counsel submitted that after being aware of the fact that the Reference application filed by him has been dismissed, the applicant took all prompt steps and has filed the present appeal. The learned counsel submitted that the delay which has occasioned is unintentional.

2) The learned AGP has opposed for condoning the delay. The learned AGP, in the alternative, submitted that if the Court is inclined to condone the delay, the applicant/appellant be disentitled from claiming any interest of the intervening period in the event the appeal filed by him is allowed.

3) The learned Counsel for the appellant/applicant has promptly submitted that the applicant will not claim any interest of the intervening period, if the appeal is allowed and the amount of compensation is enhanced. Hence, the following order, -

ORDER

- i) The application is allowed and disposed of;
- ii) The delay caused in filing the appeal is condoned;
- iii) It is clarified that the appellant/applicant will not be entitled to claim any interest of the intervening period of 1135 days, if the appeal filed by him is allowed and consequently, the amount of compensation is enhanced.
- iv) The appeal be registered in accordance with law.
- v) Call R and P.

**(P . R . BORA)**  
**JUDGE**

bdv/