

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

921 CIVIL APPLICATION NO. 11308 OF 2016
IN FAST/22721/2016

BABASAHEB RAMRAO BHABAT
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Sanket Kulkarni, Adv.
h/for Mr. Kuptekar Sachin V.
Mr. AM Phule, AGP for Respondents.

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CORAM : P.R. BORA, J.
Dated: August 18, 2016

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PER COURT :-

- 1) Heard learned Counsel for applicant and learned AGP for respondents.
- 2) The learned Counsel for the applicant submitted that First Appeal, bearing First Appeal No.3097/2008, arising out of the Award impugned in the present appeal filed by the State, has been already admitted. The learned Counsel submits that because of the financial difficulties, the applicant could not file the appeal within stipulated period of limitation. The learned Counsel further submitted that the appellant/applicant is ready to furnish an undertaking to the effect that in the event of success of his appeal, he will not claim any interest for the period of delay.
- 3) Learned AGP has opposed for condoning the

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delay stating that the delay of huge period has not been properly explained. However, in view of the fact that First Appeal No.3097/2008 filed by the State against the Award impugned in the present appeal has already been admitted; and further that the appellant/applicant has undertaken not to claim any interest of the period of delay on his success in the appeal, I am inclined to allow the present application. It is accordingly allowed. The delay is condoned. The appeal be registered in accordance with law.

4) It is clarified that in the event the appellant/applicant succeeds, he will not be entitled for any interest of the delayed period. CA stands disposed of.

5) Present appeal be tagged with First Appeal No.3097/2008.

6) Copy of this order be placed in the papers of First Appeal.

(P.R. BORA, J.)

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