

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

29 CIVIL APPLICATION NO.12628 OF 2016
IN FAST/24893/2016 WITH CA/12629/2016 IN
FAST/24896/2016

DAULAT SANDU MAGAR
VERSUS
THE STATE OF MAHARASHTRA AND ANR.

30 CIVIL APPLICATION NO. 12630 OF 2016
IN FAST/24909/2016

MADHAVRAO SAHEBRAO GORADE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

31 CIVIL APPLICATION NO. 12631 OF 2016
IN FAST/24915/2016 WITH CA/12632/2016 IN
FAST/24937/2016

SUSHILABAI SARJERAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

32 CIVIL APPLICATION NO. 12633 OF 2016
IN FAST/25131/2016 WITH CA/12634/2016 IN
FAST/25134/2016

RAMDAS BABURAO GORADE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

34 CIVIL APPLICATION NO. 12717 OF 2016
IN FAST/25803/2016

FAKIRA SHESHRAO AHER AND ORS
VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

35 CIVIL APPLICATION NO. 12718 OF 2016
IN FAST/25818/2016

SARJERAO DEORAO JADHAV

VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicant : Pahune Patil Nandkishor
J. And S.n. Pahune Patil
S/Shri G.O.Wattamwar, S.P.Deshmukh;
S.N.Morampalle & Y.G.Gujrathi, AGPs for
Respondent/State.
(in respective matters)

CORAM : P.R.BORA, J.

DATE : 30th November, 2016.

PER COURT :

1) The learned Counsel appearing for the applicants/claimants has tendered across the Bar an undertaking on behalf of the respective claimants. The same is taken on record.

2) Heard. Delay of the period ranging between 1110 to 1138 days has occurred in filing the present appeals by the original claimants. The learned Counsel appearing for the applicants

submitted that the claimants were not in a position to file the appeals since no amount of compensation was received to them and as such, they could not take further steps for filing the appeals. The learned Counsel further submitted that the moment some amount was received to the claimants, they contacted their lawyer and after obtaining the necessary documents, they have preferred the present appeals. The learned Counsel submitted that the delay is unintentional and for bonafide reasons. The learned Counsel further submitted that the applicants have filed the undertakings on record to the effect that in the event of success in the appeals, the applicants will not claim any statutory benefits or interest for the period of delay. The applicants, therefore, prayed for condoning the delay.

3) The learned AGP has resisted the application. The learned AGP submitted that the reasons, which are assigned are insufficient for

condoning the delay. He has, therefore, prayed for rejecting the application.

4) After having considered the submissions and after having noticed the reasons which are assigned in occurrence of the delay, I am inclined to allow the present applications. Moreover, the applicants have undertaken not to claim any statutory benefits or interest of the period of delay. Hence the following order, -

ORDER

i) The delay in respective matters is condoned. The appeals be registered in accordance with law.

ii) It is clarified that in the event the appeals filed by the present applicants are allowed and consequently, the amount of compensation is enhanced, the claimants will not be entitled for the statutory benefits and interest for the period of delay.

iii) The respective applications for condonation of delay are disposed of.

iv) A copy of this order be placed in the papers of appeals;

5) After registration of the appeals, issue notices to the respondents, returnable on 8th January, 2017. Learned AGP waives service for respondent-State.

(P.R.BORA)
JUDGE

bdv/