

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

**Civil Application No.12548 of 2015
In
First Appeal Stamp No.26592 of 2015**

Vishnu s/o Prasad Nirwal.

.. Applicant.

Versus

The State of Maharashtra
And Others.

.. Respondents.

Shri. V.D. Bhise, Advocate, for applicant.

Smt. R.P. Gaur, Assistant Government Pleader, for
respondent Nos.1 and 2.

CORAM: T.V. NALAWADE, J.

DATE : 29th JANUARY 2016

ORDER:

1) The application is filed for condonation of delay of 1300 days caused in filing appeal. The original claimant wants to file appeal against the judgment and award of the Reference Court for enhancement of compensation. In view of the submissions made by both the sides and the contentions made in the application this Court holds that sufficient cause is shown.

2) Delay of 1300 days is caused in filing appeal. There will be question of granting interest in respect of this period. Learned counsel for the original claimant makes statement and gives undertaking that the original claimant will not claim interest in respect of this period if the compensation amount is enhanced in the appeal.

3) In view of the undertaking given and the submissions made the application is allowed. Delay is condoned subject to condition that no interest will be payable on the amount of compensation in respect of this period of 1300 days.

4) Notice to the respondents. Learned Assistant Government Pleader waives notice for respondent Nos.1 and 2. Notice to respondent No.3 made returnable on 21st June 2016. Call record and proceeding. Leave to correct the address of respondent No.3 in the appeal.

Sd/-
(T.V. NALAWADE, J.)

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