

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

**Civil Application No.12260 of 2015
With
Civil Application No.12261 of 2015
In
First Appeal Stamp No. 27628 of 2015**

Bapurao @ Bapusaheb s/o Limbraj
Deshmukh,
Since deceased through his legal
representatives.

.. Applicants.

Versus

The State of Maharashtra & Anr.

.. Respondents.

Shri. V.D. Gunale, Advocate, for applicants.

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

CORAM: T.V. NALAWADE, J.

DATE : 29th JANUARY 2016

ORDER:

1) Civil Application No.12261 of 2015 is filed to bring legal representatives of the original claimant on the record and other application is filed for condonation of delay of 1139 days caused in filing appeal against the judgment and award of the Reference Court. Both the sides are heard.

2) In view of the contentions made in the applications and the submissions made this Court holds that sufficient cause is shown to condone the delay. Nothing could have been achieved by the applicants by not filing the appeal in time as the Reference Court has dismissed his claim. But there is question of giving interest at higher rate in respect of 1139 days. Learned counsel for the applicants makes statement and gives undertaking that the claimants will not be claiming interest in respect of the period of 1139 days if they ultimately succeed before the Reference Court.

3) In view of the submission made and the undertaking given both the applications are allowed. Delay is condoned. Legal representatives are to be brought on record. Amendment to be made immediately. Notice in appeal. Learned AGP waives notice for respondent Nos.1 and 2. List the appeal for final disposal at the admission stage on 23rd February 2016.

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

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