

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) **CA NO.13177 & 13178 of 2015**

19 CIVIL APPLICATION NO. 13177 OF 2015
IN FAST/28922/2015
WITH
CA/13178/2015 IN FAST/28924/2015

FULCHAND BANSILAL BHUTADA DIED THR LRS SUBHADRA BAI
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. Patil Kalyan V.
AGP for Respondent State: Mr. C.V. Dharurkar

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CORAM : P.R. BORA, J.
Dated: March 31, 2016

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PER COURT :-

1. In both the aforesaid applications, the applicants / appellants are praying for condonation of delay occasioned in filing the present First Appeals against the award passed in LAR Nos. 192/2005 and 193/2005.

2. Learned Counsel appearing for the applicants submitted that since the appellants were not having sufficient funds for approaching their Counsel and for making payment of fees and making payment of Court fees, etc., they could not file the appeal within the stipulated period. Learned Counsel further submitted that till today, the appellants have not received any amount though they have filed execution proceedings. Shri Dharurkar, learned A.G.P. has opposed for condonation of delay. According to him, the reasons stated cannot be considered for condonation of delay.

AGP/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

CA NO.13177 & 13178 of 2015

3. Delay of more than nine years has occurred in filing the present appeals. Learned Counsel for the appellants has, however, submitted that the appellants are ready to submit an undertaking that they will not claim any interest of the entire intervening period in the event their appeals are allowed and claim of enhancement is accepted by this Court. The delay occurred does not appear to be intentional. In such circumstances and more particularly in view of the fact that the appellants will not be claiming interest of the intervening period, I am inclined to allow the present applications. Hence, following order:

ORDER

- a) Both the applications are allowed.
- b) Delay occasioned in filing the appeals is condoned subject to an undertaking to be filed by the respective appellants to the effect that they will not be claiming interest of the intervening period, more particularly the delay period of 3045 days in the event their appeals are allowed. .
- c) The appeals be registered in accordance with law.

(P.R.BORA, J.)

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AGP/-