

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

970 CIVIL APPLICATION NO. 13168 OF 2015
IN FAST/29887/2015

BHAGWAT MARUTI LASANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Shinde Shrikishan S.
AGP for Respondents 1 & 2 : A.R. Borulkar
...

CORAM : T.V. NALAWADE, J.
DATED : 4th March, 2016.

ORDER :

1. The application is filed for condonation of delay of 1208 days caused in filing appeal against the judgment and award of the Reference Court. Original claimant wants to challenge the judgment on the point of quantum of compensation. It is the case of original claimant that he is not properly advised and he has no resources. Nothing could have been achieved by not filing appeal in time. This Court holds that sufficient cause is shown. However, there will be question of payment of interest at higher rate for the period of 1208 days. In view of this circumstance, the learned counsel for claimant made a statement and gave undertaking that the claimant will not be claiming interest for the period of 1208 days. In view of such undertaking, the application is allowed. Delay is condoned,

subject to condition that no interest will be payable in respect of delay period of 1208 days, if compensation is enhanced.

2. Notice in appeal. The learned AGP waives notice for respondent Nos. 1 and 2. Notice to respondent No. 3 made returnable on 11.8.2016. Call record and proceeding.

[T.V. NALAWADE, J.]

ssc/