

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 CIVIL APPLICATION NO. 15244 OF 2016
IN X-OBJST/30333/2016

CHINDHA TATHU GIRASE DEAD THR L.RS. BAYJABAI CHINDHA
GIRASE AND ORS
VERSUS
EXECUTIVE ENGINEER DHULE MEDIUM PROJECT DIVISION NO. 1
DHULE AND ORS

...
Advocate for Applicants : Patil R.c.
Advocate for Respondents :. C. P. Kutti
...

CORAM : P.R. BORA, J.
DATE : 06-12-2016.

P.C. :

1. Heard Shri R.C. Patil, the learned counsel appearing for the applicant and Smt. C.P. Kutti, the learned counsel appearing for the respondents i.e. acquiring body.

2. Delay of 2314 has occurred in filing the cross objection by the original claimants. The learned counsel brought to my notice that, the first appeals filed by the acquiring body have been admitted by this court and are pending for consideration. The learned counsel further submitted that, the applicants have already undertaken not to claim any statutory benefit or interest for the period of delay. The learned counsel, in the above circumstances, has prayed for condoning the delay and extend an opportunity to the claimants to agitate their matters on merit. Smt. C.P. Kutti, the learned counsel appearing for the acquiring body has opposed for

accepting such request stating that inordinate delay has occurred in filing the cross objection.

3. In view of the fact that, the first appeal arising out of the same matter is admitted and is pending for consideration and the further fact that the applicants have undertaken not to claim any statutory benefit or interest of the period of delay. I am inclined to allow the present application. Hence the following order:

ORDER

- i) The application is allowed.
- ii) Delay caused in filing the cross objection is condoned. Cross objection be taken on record.
- iii) It is clarified that as undertaken by the applicants they will not be entitled for interest or statutory benefit of the period of delay, in the event they succeed in getting enhanced the amount of compensation.
- iv) Civil application stands disposed of.
- v) A copy of this order be kept in the papers of appeal and cross objection.

(P.R. BORA)
JUDGE

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