

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

20 CIVIL APPLICATION NO. 13414 OF 2015
IN FAST/30355/2015

FULCHAND BANSILAL BHUTADA DIED THR LRS SUBHADRA BAI
AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Patil Kalyan V.

AGP for Respondents 1 & 3 : S.R. Yadav

Advocate for Respondent 2 : S.S. Manale

...

CORAM : T.V. NALAWADE, J.

DATED : 1st March, 2016.

ORDER :

1. Heard both the sides. It is the case of applicants, original claimants that the delay of 3055 days is caused in filing the appeal as they were not having funds for approaching counsel, making payment of his fees and making payment of Court fees. According to them, they could not collect funds and so, they could not file appeal. Till today in execution proceeding nothing is paid to them. Nothing could have been achieved by not filing appeal in time as they want to get enhancement of compensation. This Court holds that sufficient cause is shown. However, there will be question of making payment in respect of delay of 3055 days. In view of these circumstances, the learned counsel for applicants, appellants makes a statement and gives

undertaking that claimants will not be claiming interest in respect of 3055 days. In view of this undertaking, the application is allowed. Delay is condoned, subject to condition that the claimants will not be entitled to any interest in respect of delay period of 3055 days, if compensation is enhanced.

2. Notice in appeal. Learned counsel Shri. Manale waives notice for respondent No. 2 and the learned AGP for respondent Nos. 1 and 3.

3. Call record and proceeding. List the matter for admission purpose on 9.8.2016.

[T.V. NALAWADE, J.]

ssc/