

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE, BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3294 OF 2016
IN
FIRST APPEAL ST NO. 36482 OF 2015

Vinayak Ankushrao Chaval

APPLICANT

V E R S U S

The State of Maharashtra & Ors.

RESPONDENTS

Mr. D.M. Kakade, Advocate for the Applicant
Mr. S.P. Sonpawale, A.G.P. for the Respondent Nos. 1 & 2 – State
Mr. Ruturaj Patil, Advocate for Respondent No. 3

CORAM : A.V. NIRGUDE, J.

DATE : 22nd August, 2016

PER COURT :

1. Perused the grounds for seeking condonation of delay. There is no doubt that there is abnormal delay in filing of the appeal. In similar situation, similar delay condonation applications were allowed after imposing certain condition on the appellants. I perused the order dated 4th September, 2015 in Civil Application No. 15921 of 2013 and in other cases. My learned Brother examined the law on the subject, but having regard to the facts that some Appeals from the same group are already admitted by this Court and condoned the delay on condition that the applicant should submit undertaking before the Court in case compensation is enhanced by

the Court, the applicant would waive statutory benefit for the delayed period. I am also adopting the same reason and same condition for condoning the delay. Delay stands condoned. The applicant shall submit an undertaking that in case the compensation is enhanced by this court, the appellant shall not claim statutory benefit from the date of judgment of the lower Court till today. Civil Application stands allowed.

2. In view of condonation of delay, the appeal be registered. Appeal can be disposed of at admission stage. The learned counsel for the parties agreed that on next date they will make submissions on admission of appeal. Appeal be fixed for admission on 6th September, 2016.

(A.V. NIRGUDE, J.)