

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

CIVIL APPLICATION NO. 1415 OF 2016
IN FAST/37650/2015

SHAMRAO RAOSAHEB BADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. K. D. Bade Patil.

AGP for Respondent : Mr. S. R. Yadav.

...

CORAM : **P. R. BORA, J.**

DATE : 11th August, 2016.

P.C.:

. Heard the learned counsel for the respective parties.

2 Delay of 1772 days has occurred in filing the present appeal.

The learned counsel for the Appellant submits that in the similar matters arising out of the same acquisition proceedings, the Claimants have been given far better benefits than the present Appellant. The learned counsel submits that because of financial crunch and in absence of any proper legal advice, the Appellant could not approach this Court within the stipulated period of limitation. The learned counsel, on instructions, submits that the Claimants will not claim the interest of the period of delay in the event the Appellant succeeds in appeal.

3 Shri Yadav, the learned AGP has strongly opposed for

condoning the delay stating that no justifiable reasons are assigned by the Appellant for the delay caused. The learned AGP has, therefore, prayed for rejecting the application.

4 After having considered the contentions raised in the application and more particularly considering the undertaking given by the Claimants that they will not claim any interest of the period of delay in the event of success in the appeal, the application is allowed. Delay of 1772 days caused in filing the present appeal is condoned. Appeal be registered in accordance with law. Civil application stands disposed of.

5 It is clarified that the Claimants shall not be entitled for any interest in the event they succeed in the appeal for the period of delay.

6 Copy of this order be kept in the papers of the appeal.

7 Issue notice in appeal to the Respondents. The learned AGP appearing for the Respondent / State waives service.

8 Place the appeal on board for admission on 22nd September, 2016.

[P. R. BORA, J.]

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