

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 1153 OF 2015
IN
FIRST APPEAL (ST.) NO. 21898 OF 2014**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Sachin Punde for the applicant.

Mr. A.R. Patil, AGP for the respondent/State.

CORAM : K. K. TATED, J.

DATED : 26/02/2016

PC.:

. Not on board. At the request of Advocate for the applicant, matter is taken on board.

2 Heard learned Counsel for the applicant and learned AGP for the Respondent State.

3 This application is preferred by claimants for condonation of 3 years and 30 days in filing First Appeal challenging the Judgment and Award dated 26.09.2008 passed by Reference Court in L.A.R. No. 113 of 2002 for additional compensation.

4 The learned Counsel for the applicants submits that for want of financial assistance, there is delay on the part of the applicants to prefer the appeal. He submits that all the claimants are senior citizens. He submits that though the Judgment and

Award passed by the Reference Court on 26.09.2008 awarding compensation in favour of applicants-claimants, the Respondent State of Maharashtra deposited awarded amount in Reference Court on 03.07.2014. He submits that thereafter, the applicants withdrawn amount and filed the First Appeal in this Court on 03.08.2014. He submits that they have good chance of success in the present matter. He further submits that if present Civil Application is not allowed, irreparable loss and injury will be caused to the applicants.

5 On the other hand, the learned AGP for the Respondent State of Maharashtra vehemently opposed the present Civil Application. He submits that applicants have not shown sufficient cause for condonation of more than 3 years delay in filing First Appeal. Hence, Civil Application be dismissed with costs.

6 It is to be noted that the Apex Court in the matter of *N.Balkrishnan Vs. M. Krishnamurthy (1998) 7 SCC 123* held that the object of fixing the time limit is not meant to destroy the rights. The law of limitation fixes a lifespan for such legal remedy for the general welfare.

7 In the present proceeding, though by the Judgment and Award dated 26.09.2008, awarded additional compensation in favour of

applicants/claimants, the Respondent State of Maharashtra deposited the awarded amount in Reference Court on 03.07.2014 and thereafter immediately the claimants filed present First Appeal on 03.08.2014.

8 Considering this fact and law declared by the Apex Court as stated hereinabove, I am satisfied that applicant has made out the case for allowing the civil application.

9 Hence, following order is passed:

a) Delay in preferring the First Appeal is condoned.

b) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)