

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (F) NO.1504 OF 2015
IN
FIRST APPEAL ST. NO.5575 OF 2015

MANOHAR S/O SHESHRAO BARADKAR, YAVATMAL
V. VS
THE STATE OF MAHARASHTRA AND OTHERS

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D. A. Sonwane, Advocate for the applicant.
Ms. Nivedita Mehta, AGP for respondent Nos.1 & 2.

CORAM : A.S. CHANDURKAR, J.
DATED : MARCH 30, 2016.

The prayer in the application is to condone the delay in filing the first appeal. It is stated that initially the award was challenged by the respondent No.3 herein by filing First Appeal No.994/2013. Though the applicant was served with the notice of the said appeal, said appeal was withdrawn on 9-12-2013. It is then stated that the applicant's daughter was suffering from Cancer and she ultimately expired on 1-1-2014. Thereafter, the applicant after coming out of shock made necessary enquiries and on learning that the appeal was withdrawn has filed the present appeal.

The application is opposed by the learned Counsel for the Non-applicants. It is stated that the reasons as assigned are not sufficient to condone the delay. It is further stated that in case the delay is condoned, the applicant should not be granted for interest on the amount of enhanced compensation.

Considering the reasons mentioned in the application, the delay in filing the first appeal is condoned

subject to applicant not being entitled for interest on the amount of compensation, if enhanced for the period from 13-4-2011 till 19-3-2015. The delay is condoned on aforesaid terms. The civil application is disposed of with no order as to costs.

FIRST APPEAL ST. NO.5575/2015.

Heard.

Admit.

Call for R & P.

Ms. Nivedita Mehta, learned Asstt. Government Pleader waives notice on behalf of the respondent No.1 & 2. Shri S. S. Godbole, Advocate waives notice on behalf of the respondent No.3.

In terms of order passed in Civil Application (F) No.1504/2015 appellant would not be entitled for interest on the amount of compensation, if enhanced for the period from 13-4-2011 till 19-3-2015.

JUDGE

/MULEY/