

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

958 CIVIL APPLICATION NO. 3804 OF 2017
IN FAST/4206/2017

JANAKIRAM TUKARAM SUSTE (DIED) THR LRS TRIMBAK J. SUSTE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Mr. S.K. Adkine
AGP for Respondent No.1: Mr. P.G. Borade
.....

CORAM : V. K. JADHAV, J.
DATED : 30th JUNE, 2017

PER COURT:-

1. Heard learned counsel for the applicant and learned A.G.P. for respondent No.1. Though respondent No.2 acquiring body is duly served, none appears for it. Learned counsel for the applicant submits that the respondent acquiring body has also preferred appeal against the judgment and award passed by the reference court. Further, the applicant also undertakes to leave interest for the delayed period, if the applicant/appellant succeed in the appeal.

2. In view of above and for the reasons stated in the civil application, delay of 1286 days caused in filing first appeal is condoned on the condition that the applicant is not entitled for the amount of interest for the delayed period. Learned counsel for the applicant submits that the applicant would file undertaking to that

effect within a period of two weeks from today.

3. In first appeal, issue notice to the respondents, returnable on 11.08.2017. Learned A.G.P. notice for respondent No.1. Call for record and proceedings.

(V. K. JADHAV, J.)

rlj/