

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 5370 OF 2014
IN FAST/6093/2014

NIJAMODDIN PACHOLAL SHAIKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Applicants : Shri G.K.Sontakke.
AGP for Respondents 1 and 2 : Shri Y.G.Gujrathi.
Advocate for Respondent 3 : Shri Sanjay Munde.

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**CORAM: RAVINDRA V. GHUGE
AND
SUNIL K. KOTWAL, JJ.**

DATE :- 07th November, 2017

Per Court :

1 The six Applicants, who are the original Claimants, pray for condonation of 1051 days delay caused in filing the First Appeal.

2 We have considered the submissions of the learned Advocates for the respective sides.

3 The learned AGP appearing on behalf of Respondent Nos.1 and 2 and Shri Munde, learned Advocate appearing on behalf of Respondent No.3 have strenuously opposed this application.

4 The Applicants are praying for enhancement in compensation in the First Appeal that is filed.

5 Considering the above, this Civil Application is allowed. The

delay of 1051 days is condoned subject to the Applicants depositing Rs.1000/- (Rupees One Thousand) each as costs in this Court.

6 The learned Advocates appearing for the Respondents submit that the said amount be donated to the Advocates Association's Bar Library, High Court, Aurangabad.

7 As such, the said amount of costs shall be deposited with the Advocates Association's Bar Library, High Court, Aurangabad on or before 08.12.2017, failing which, this order shall stand recalled and the Civil Application seeking condonation of delay shall stand rejected.

8 After the costs are deposited and the receipt thereof is produced before the Registry, the First Appeal shall be registered.

9 We make it clear that in the event the Applicants succeed in the First Appeal, they would not be entitled for interest on the enhanced amount of compensation, if any, for the period of the delay of 1051 days.