

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

CIVIL APPLICATION NO. 8140 OF 2015
IN
FIRST APPEAL ST. NO.10243 OF 2014

Vasudha Atul Patel and others.

.. Applicants

Versus

Mr. Rana Tulakraj Khurana and others .

.. Respondents

...

Mr A. C. Darandale, Advocate for the applicants
Mr S. S. Rathi, Advocate for the respondent No. 1
Mr V. N. Upadhye, Advocate for the respondent No. 2

...

CORAM: P. R. BORA, J.
DATE : 13TH JUNE, 2017.

Per Court :

1. Heard Shri. A. C. Darandale, learned Counsel appearing for the applicants/appellants.

2. Delay of 302 days has caused in filing the present appeal. The reasons for occurrence of delay are explained in para no. 2 of the application. Perusal of the averments in para no.2 reveals that, the applicants/appellants have made out the case for condoning the delay. The reasons assigned by the applicants/appellants for delay are just and sufficient to condone the delay. The learned Counsel for the applicants/appellants submits that, the applicants/appellants may not claim the interest of the period of delay in the event the amount of compensation is enhanced in the present appeal. I am, therefore, inclined to allow the present application and pass the following order.

ORDER

1. The application is allowed. Delay of 302 days caused in filing the appeal is condoned. Appeal be registered in accordance with law. It is clarified that, as undertaken by the applicants/appellant they will not be entitled for any interest of the period of delay on the enhanced amount of compensation in the event the appeal is allowed and resultantly the amount of compensation is enhanced. Civil Application stands disposed of.

2. On registration of the appeal, issue notice to the respondents returnable after four weeks. The learned Counsels appearing for the respondents waive service for the respective respondents. Service complete.

3. The applicants/appellants are permitted to serve respondent no.3 by way of public notice in addition to the regular mode of service.

4. Place the matter for admission after 6 weeks.

5. Call for record & proceedings.

[P. R. BORA, J.]

ggp