

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.11369/2016

910 CIVIL APPLICATION NO. 11369 OF 2016
IN FAST/22990/2016

ALLAUDDIN MOHD. HANIF SHAIKH AND ANR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr.Deshmukh H.D.
AGP for Respondent State: Mr. R.B.Bagul

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CORAM : P.R. BORA, J.
Dated: June 09, 2017

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PER COURT :-

1. Learned A.G.P. waives service for respondent no.3 also in view of the fact that the State has filed the appeal against the judgment and award which is impugned in the present appeal. Service complete.

2. Learned Counsel appearing for the applicants, at the outset submitted that the applicants undertake not to claim any statutory benefit or interest in the event the amount of compensation is enhanced in the present appeal for the period of delay. In view of the submission so made and further considering the fact that the State has also filed an appeal, challenging the same judgment and award, I am inclined to allow the application and hence the following order:

agp/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

CA NO.11369/2016

ORDER

1. The application is allowed. Delay caused in filing the appeal is condoned. It is clarified that, as undertaken by the applicants, they shall not be entitled for any statutory benefits or interest in case they succeed in the present appeal on the enhanced amount of compensation for the period of delay.
2. Copy of the present order be kept along with the papers of the appeal.
3. On registration of the appeal, issue notice to the respondents. Learned A.G.P. waives service for all the respondents.
4. List the present appeal along with First Appeal No.1266/2016 for admission after four weeks. S.O. to 7.7.2017.

(P.R. BORA, J.)

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