

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

CIVIL APPLICATION NO. 203 OF 2012
IN FAST/24399/2011

GENA DASU KADAM, DIED THR. L.RS. RAJUBAI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA, THROUGH COLLECTOR OSMANABAD

...
Advocate for Applicants : Mr. Manish P. Tripathi.
AGP for Respondent / State : Mr.C.V.Dharurkar.
...

CORAM : **V. K. JADHAV, J.**
DATE : 09th January, 2017.

P.C.:

. There is an inordinate delay of 2470 days in preferring the first appeal against the judgment and award dated 16th September, 2004 passed by the learned Civil Judge Senior Division, Osmanabad in L.A.R. No.504 of 1991.

2 The learned counsel for Applicants submits that though award was passed in the year 2004, in the year 2010 the Applicants got the enhanced amount of compensation. Before that, the Applicants could not prefer an appeal due to financial constraint.

3 The learned AGP has strongly resisted the application and in the alternate submits that in case if the Applicants / original Claimants succeed in appeal, the Applicants should furnish an undertaking to the

effect that he/they would not claim any interest / statutory benefits of the aforesaid period for which the delay sought to be condoned.

4 In view of the above and for the reasons stated in the application, delay of 2470 days caused in filing the first appeal is hereby condoned on the condition that the Applicants / original Claimants shall furnish an undertaking to the effect that in case the appeal is allowed and the compensation is enhanced by this Court, the Applicants / original Claimants will not claim any statutory benefits / interest for the period of which delay sought to be condoned.

5 The Applicants shall furnish the aforesaid undertaking within four weeks from the date of this order.

6 Accordingly, the civil application is allowed and disposed of.

[V. K. JADHAV, J.]

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