

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

**4 CIVIL APPLICATION NO. 11899 OF 2016
IN FAST/22434/2016**

GANESH NATHARAO KAVHALE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for the applicant: Mr. Jadhav Kailas B.
AGP for respondent State: Mr. R.B.Bagul

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**5 CIVIL APPLICATION NO. 11900 OF 2016
IN FAST/22436/2016**

SHIVAJI TRIMBAK KAVHALE AND ANR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for the applicant: Mr. Jadhav Kailas B.
AGP for respondent State: Mr. S.P.Sonpavale

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**15 CIVIL APPLICATION NO. 14699 OF 2016
IN FAST/30395/2016**

TUKARAM APPARAO KAVALE DIED THR HIS LRS SHESHRAO
AND ANR
VERSUS

THE STATE OF MAHARASHTRA AND ORS

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Advocate for the applicant: Mr. Jadhav Kailas B.
AGP for respondent State: Mr. Mr. S.M.Ganachari
Mr. Shyam C.Arora, Adv., for respondent no.3.

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**17 CIVIL APPLICATION NO. 14894 OF 2016
IN FAST/30119/2016**

SUDHAKAR BHUJANGRAO KAVHALE DIED THR LRS LAXMIBAI
AND ORS
VERSUS

THE STATE OF MAHARASHTRA AND ORS

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Advocate for the applicant: Mr. Jadhav Kailas B.
AGP for respondent State: Mr. S.P.Sonpavale
Advocate for respondent no.3: Mrs.Surekha G.Chincholkar

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26 CIVIL APPLICATION NO. 1920 OF 2017
IN FAST/32829/2016

BHANUDAS BAPURAO KAVHALE DIED THR HIS LRS LIMBAJI
BHANUDAS KAVHALE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Mr. Kailas B.Jadhav, Adv., for applicants.
Mr. C.V.Dharurkar, AGP for respondent State.
Mr. S.G.Bhalerao, Adv., for respondent no.3.

CORAM : P.R. BORA, J.
Dated: August 04, 2017

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PER COURT :-

1. In all these matters delay of 2827, 2896, 2885, and 2916 days, respectively, has been caused in filing the appeals by the claimants. Shri Jadhav, learned Counsel appearing for the applicants, submitted that in companion matters, this Court has condoned the delay of similar period vide order passed on 21st of June, 2017. Learned Counsel has tendered across the Bar copy of the said order passed in C.A.No. 2027/2017 with connected matters.

2. Learned Counsel further submitted that not only the delay has been condoned by this Court but the appeals have also been finally decided by this Court. Learned Counsel has placed on record the copy of the judgment dated 17th July, 2017 of this Court in the case of First Appeal No.4083/2016, with connected

appeals, and the judgment of this Court (Coram: V.K.Jadhav, J.) in First Appeal No.2733/2013, with connected appeals on 3rd July, 2017. Learned Counsel submits that he is ready to argue the matter immediately since it is covered by the aforesaid two judgments. Learned A.G.P. does not dispute the facts as are stated by the learned Counsel for the applicants and, therefore, submitted for passing appropriate orders.

3. Learned Counsel submitted that the applicants in the present applications also undertake not to claim any interest of the period of delay in the event the appeals are allowed, and the amount of compensation is enhanced, on the enhanced amount of compensation. Learned Counsel submits that such an undertaking was submitted in decided matters also and this Court has accepted the contention of the applicants therein and has condoned the delay. Learned A.G.P. submits that in view of the earlier order passed by this Court, appropriate orders may be passed. In view of the submission so made, following order is passed:

ORDER

1. Delay caused in filing the applications is condoned.
2. It is clarified that as undertaken by the applicants, the applicants will not be entitled for the interest

under the provisions of the Act for the period of delay, in the event they succeed in the appeals, on the enhanced amount of compensation. The appeals be registered in accordance with law. Civil Applications for condonation of delay stand disposed of.

3. The appeals be immediately listed for final disposal:

(P.R. BORA, J.)

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