

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

921 CIVIL APPLICATION NO. 14121 OF 2017

IN FAST/31042/2017

WITH CA/14122/2017 IN FAST/31548/2017

WITH CA/14123/2017 IN FAST/31550/2017

WITH CA/14124/2017 IN FAST/31344/2017

WITH CA/14125/2017 IN FAST/31336/2017

WITH CA/14126/2017 IN FAST/31442/2017

WITH CA/14127/2017 IN FAST/31338/2017

WITH CA/14128/2017 IN FAST/31466/2017

WITH CA/14129/2017 IN FAST/37207/2017

WITH CA/14130/2017 IN FAST/31342/2017

WITH CA/14131/2017 IN FAST/31070/2017

WITH CA/14132/2017 IN FAST/31074/2017

WITH CA/14133/2017 IN FAST/31060/2017

WITH CA/14134/2017 IN FAST/31534/2017

WITH CA/14135/2017 IN FAST/31095/2017

WITH CA/14136/2017 IN FAST/31078/2017

WITH CA/14137/2017 IN FAST/31058/2017

WITH CA/14138/2017 IN FAST/31082/2017

WITH CA/14139/2017 IN FAST/31080/2017

WITH CA/14140/2017 IN FAST/31062/2017

WITH CA/14141/2017 IN FAST/31340/2017

WITH CA/14142/2017 IN FAST/30909/2017

WITH CA/14143/2017 IN FAST/31521/2017

WITH CA/14144/2017 IN FAST/31056/2017

WITH CA/14145/2017 IN FAST/31368/2017

WITH CA/14146/2017 IN FAST/32190/2017

WITH CA/14147/2017 IN FAST/32192/2017

WITH CA/14148/2017 IN FAST/31084/2017

WITH CA/14150/2017 IN FAST/31066/2017

WITH CA/14151/2017 IN FAST/31068/2017

WITH CA/14152/2017 IN FAST/32894/2017
WITH CA/14153/2017 IN FAST/31527/2017
WITH CA/14154/2017 IN FAST/31470/2017
WITH CA/14155/2017 IN FAST/31064/2017
WITH CA/14156/2017 IN FAST/31076/2017
WITH CA/14157/2017 IN FAST/31040/2017
WITH CA/14158/2017 IN FAST/30911/2017
WITH CA/14160/2017 IN FAST/30907/2017

ABASAHEB BAPURAO KHARAT (DIED) THR LRS ZUGARABAI AND ORS
VERSUS

EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU AND ORS

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Advocate for Applicants : Mr. Randive Sachin S.

AGP for Respondent State: Mr. S. M. Ganachari

Advocate for Acquiring Body: Mr. S.G. Bhalerao

CORAM : K. L. WADANE, J.

DATE : 7th December, 2017

ORDER:

1. Heard learned counsel for the respective parties.
2. These are applications for condonation of delay of caused in filing the Appeals against the impugned judgment and award.
3. Mr. Randive, the learned counsel appearing for the applicant submits that the applicants are financially poor and they were was unable to pursue the proceeding due to poverty. Learned counsel respondents opposed the application on the ground that there is inordinate delay in filing the present appeals and it has not been explained

satisfactorily. The delay caused in filing the appeals is not accidental and it is an intentional. In the alternate, the learned counsel submits that if the applicants succeed, they shall not be entitled for the amount of interest and/or other statutory benefits for the period for which the delay sought to be condoned.

4. In view of the observations made by the Supreme Court in the case of **Ramanlal Deochand Shah Vs. State of Maharashtra and another, reported in AIR 2013 SC 3452**, the delay can be condoned on the condition that in case the appellant succeeds in the first appeals, then they will not be entitled for the amount of interest on monetary benefits and/or other statutory benefits for the period of delay and it is accordingly condoned.

5. Civil applications are accordingly disposed of.

(K. L. WADANE, J.)

JPC