

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

**929 CIVIL APPLICATION NO.15308 OF 2016
IN FAST/32578/2016**

ABASAHEB SADASHIV JADHAV

.. Applicant

VERSUS

THE STATE OF MAHARASHTRA AND ORS

.. Respondents

...

Advocate for Applicant : Shri. R.K. Ashtekar
AGP for Respondent/ State : Shri. S.P. Sonpawale

...

**CORAM : P.R. BORA, J.
Dated: July 18, 2017**

PER COURT :-

. The present application is filed seeking condonation of delay, which has occurred in filing the present appeal by the original claimants. Delay of 2636 days has occurred in filing the present appeal. It is the contention of the applicant that, because of his continued illness for years together, he could not take the necessary steps to file the appeal. The learned Counsel submitted that, the State has also filed an appeal against the same Judgment and Award, which is challenged by the applicant in the present appeal and the

same has been admitted. The learned Counsel submitted that, the applicant is ready to waive the interest and the statutory benefits for the period of delay in case the appeal is allowed and the amount of compensation is enhanced. The learned Counsel therefore prayed for allowing the application.

2. Shri. Sonpawale the learned AGP appearing for the State has opposed for condoning the delay stating that, no sufficient reasons are assigned for condoning the delay of such a huge period. In view of the fact that, appeal filed by the State against the same Judgment and Award has been admitted by this Court and is still pending for consideration and having regard to the further fact that, the applicant has undertaken not to claim the interest or statutory benefits for the period of delay, I deem it appropriate to allow the application so as to hear the appeal filed by the applicant on merits. Hence, the following order.

ORDER

1. The application is allowed.
2. The delay caused in filing the appeal is condoned.
3. Appeal be registered in accordance with law. It is clarified that, as undertaken by the applicant he shall not be entitled for the

statutory benefits or interest for the period of delay in the event he succeeds in appeal and the amount of compensation is enhanced on the said enhanced amount of compensation. The copy of the present order be kept along with the papers of appeal.

Civil application stands disposed of.

(P. R. BORA, J.)

ggp