

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

9 CIVIL APPLICATION NO. 16387 OF 2016
IN FAST/32804/2016

BHARAT UMRAO MISKIN
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicant : Mr. More Abhijit S.
Mr. SM Ganachari, AGP for Respondents: 1 & 2.

CORAM : P.R.BORA, J.

DATE : 28th June, 2017.

PER COURT :

1) Heard. Learned Counsel appearing for the applicant submitted that in companion matters, this Court (Coram:V.K.Jadhav,J.) on 23rd June, 2017 has condoned the delay subject to certain conditions. The learned Counsel has placed on record two such orders one passed in CA No.7494/2016 in FAST No.32161/2015 and another in CA No.15819/2015 in FAST No.31779/2015. The learned Counsel further submitted that in the present application also the applicant has undertaken not to claim the statutory benefits or interest for the period of delay.

2) The learned AGP has not disputed the correctness of the facts as are stated by the learned Counsel for the applicant.

3) In view of the fact that in the companion matters, same view has been taken by this Court, I do not see any reason to take any contrary view, and I deem it appropriate to pass the order on similar lines. Hence, the following order, -

ORDER

i) For the reasons recorded by this Court in CA No. 7494/2016 in FAST No. 32161/2015, the present civil application stands allowed. The delay occurred in filing the appeal is condoned. The appeal be registered in accordance with law;

ii) It is clarified that the applicant shall not be entitled for the interest and/or other statutory benefits for the period of delay, i.e. 1914 days, in the event he succeeds in the present appeal and consequently the amount of compensation is enhanced, on the enhanced amount of compensation.

iii) Copy of this order be placed in the papers of the appeal.

(P.R.BORA,J.)

bdv/