IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1085 CIVIL APPLICATION NO. 16212 OF 2016
IN FAST/33381/2016
WITH
FAST 33381/2016

SAVLEBEE MAINUDDIN SHAIKH AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANR
...
WITH
CA/16213/2016 IN FAST/33857/2016
WITH
FAST/33857/2016
WITH
...
CA/16214/2016 IN FAST/33863/2016
WITH
FAST/33863/2016
...
CA/16215/2016 IN FAST/33871/2016
WITH
FAST/33871/2016

WITH

CA/16216/2016 IN FAST/33860/2016
WITH
FAST/33860/2016
WITH

CA/16217/2016 IN FAST/33865/2016
WITH
FAST/33865/2016
WITH

CA/16218/2016 IN FAST/33853/2016
WITH
FAST/33853/2016
...
Advocate for Applicant : Mr Patil Mahesh S.
AGP for Respondents: Mr S R Yadav
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CORAM : V.K. JADHAV, J.
Dated: January 13, 2017

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PER COURT :

1. These are the applications for condonation of delay caused in filing appeals.

2. Mr. Patil, the learned counsel submits that, the appeals filed by the State against same judgment and award are dismissed. In fact, the claimants were of the view that in case the appeals of the state are admitted, the claimants would file cross objections in the said appeals. As such appeals were not filed. The State has already filed appeals in the year 2008. However, at the admission stage the appeals of the State have been dismissed. To show the bonafides the claimants have filed undertaking to this Court stating that in case, this Court awards enhanced amount of compensation, then, the claimants would waive statutory benefits for the delayed period.

3. The learned Assistant Government Pleader submits that, there is no cause muchless sufficient cause to condone the delay. The delay is inordinate one.

4. I have considered the submissions canvassed by the learned counsel for respective parties. The respondents have not controverted the averments made in applications by filing affidavit in reply. Be that as it may, the appeals filed by the State are dismissed. If the appeals filed by State would have been admitted, the present applicants/appellants could have got opportunity to file cross objections. The applicants have

filed undertaking before this Court mentioning that, in case this Court comes to the conclusion to enhance the compensation amount, then, the applicants would not claim statutory benefits for the delayed period.

5. In the light of the above, the Civil Applications are allowed. The delay is condoned with a rider that in case, this Court enhances the compensation amount, then the applicants would not be entitled for the statutory benefits from the date of judgment of the Reference Court till this date. Civil applications are disposed of.

6. In first appeals, issue notice to the respondents. Learned AGP waives notice for Respondent State.

7. Fix the matters for admission on 19.1.2017.

(V.K. JADHAV, J.)

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aaa/-