

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

**33 CIVIL APPLICATION NO. 5081 OF 2018
IN FAST/3205/2018**

**RAJARAM DEVIDAS TODKARI AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

...
Advocate for Applicants : Shri Laxmikant C. Patil
AGP for Respondent - State : Shri A.M.Phule

...
CORAM : P.R.BORA, J.

DATE: 1st October, 2018

PER COURT:-

1 Heard Shri L.C.Patil, learned Counsel appearing for the applicants and Shri A.M.Phule, learned AGP appearing for the State.

2 The Acquiring Body though duly served, no one has entered appearance on its behalf.

3 Delay of 1581 days has occurred in filing the appeal by the original claimants. The financial constraints and the lack of awareness are the reasons assigned for occurrence of delay. It is further contended that the delay caused is unintentional and without any malafides.

4 Shri A.M.Phule, learned AGP has opposed for condoning the delay stating that the reasons which are assigned, are insufficient to condone the delay of huge period of four years. In the alternate, learned AGP submitted that if the Court is inclined to allow the application, the applicants shall be held dis-entitled

to claim interest and statutory benefits for the period of delay.

5 In view of the submissions so made, the following order is passed:

ORDER

I) Delay of 1581 days occurred in filing the appeal is condoned.

II) Civil Application No.5081 of 2018 stands disposed of.

III) Appeal be registered in accordance with law.

IV) It is clarified that in the event of success, the appellants in the appeal shall not be entitled for any statutory benefits or interest for the period of delay on the enhanced amount of compensation.

V) After registration of appeal, issue notice to the respondents, returnable on 26.11.2018.

VI) Shri A.M.Phule, learned AGP wavier service of notice for respondent State.

VII) A copy of the present order shall be kept in the papers of appeal.

(P.R.BORA)
JUDGE

SPT