

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

**962 CIVIL APPLICATION NO. 5100 OF 2018
IN FAST/8277/2018**

SHANKAR ARJUN PATIL

..Applicant

VERSUS

THE STATE OF MAHARASHTRA AND ORS

..Respondents

...

Advocate for Applicant : Shri L.C. Patil

AGP for Respondents : Shri P.G. Borade

...

CORAM : P.R. BORA, J.

Dated: September 05, 2018

PER COURT :

1. Heard Shri L.C. Patil learned Counsel appearing for the appellant – applicant and Shri Borade the learned AGP appearing for the respondents.

2. Delay of 890 days has occurred in filing the appeal by the orig. claimant. The learned Counsel for the appellant - applicant submitted that, the delay has occurred for all *bonafide* reasons and it is unintentional. It is contended that, the applicant shall not claim any interest of the period of delay in the event of his success in the present appeal. It is also contended that, the reference Court has not awarded the adequate compensation and the appellant has made out a good case for seeking enhancement in the amount of compensation.

3. Shri Borade the learned AGP has opposed for condoning the delay stating that, the delay of huge period is not

sufficiently explained. The learned AGP, therefore, prayed for rejecting the application.

4. After having considered the submissions, it appears to me that, when the applicant himself has undertaken to waive the interest of the period of delay, the opportunity needs to be given to him to prosecute his appeal on merits. Hence, the following order.

ORDER

(i) Civil Application is allowed.

(ii) The delay caused in filing the First Appeal is condoned. It is clarified that, the appellant - applicant shall not be entitled for the interest of the period of delay in the event of his success in appeal on the enhanced amount of compensation. The appellant to submit undertaking within four weeks. Civil Application stands disposed of.

(iii) Copy of the present order as well as undertaking to be given by the appellant be kept in the papers of appeal.

(P.R. BORA, J.)