

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 CIVIL APPLICATION NO. 16239 OF 2016
IN FAST/16663/2016 WITH CA/16240/2016 IN FAST/16661/2016

SUBHASH BALA KESAPURE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicants : Mr. Adkine Sonaji K
Mr. AM Phule, AGP for Respondents:1;
Mr. SG Bhalegao, Adv. For R/2

...

CORAM : P.R. BORA, J.
Dated: October 10, 2018

...

PER COURT :-

1. Heard learned counsel for the respective parties. Delay of 1001 and 1007 days has occurred in filing the respective appeals. It is contended that financial constraint and lack of awareness are the reasons that the appeals could not be filed within the stipulated period of limitation. The learned counsel submitted that substantial grounds are raised in exception to the impugned judgment and as such, the applicants need to be given an opportunity to prosecute their appeals on merits.

2. Learned AGP and Shri Bhalerao appearing for the respective parties have opposed for condoning the delay stating that the reasons are insufficient to

BDV

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

condone the delay.

3. I have considered the submissions made by the learned counsel for the parties. In para 3 of the application, the applicants have undertaken not to claim any interest of the period of delay. The reasons which are assigned cannot be outrightly rejected. Moreover, the applicants have undertaken not to claim any interest on the period of delay. In view of the submissions so made, following order is passed, -

ORDER

i. The delay caused in filing the appeals is condoned. The applications for condonation of delay are disposed of.

ii. It is clarified that the applicants shall not be entitled for the statutory benefits as well as interest of the period of delay in the event of their success in the appeals on the enhanced amount of compensation.

4. The appeals be registered in accordance with law. On registration of the appeals, issue notice to

BDV

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

the respondents. Learned AGP and learned Counsel waive service for respective respondents. Service complete.

5. List the appeals for further consideration on 13th December, 2018.

5. A copy of this order be placed along with the papers of the appeal.

(P.R. BORA, J.)

...