

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

**CIVIL APPLICATION NO.11448 OF 2016
IN FAST/21221/2016**

HARISH @ HIRARAM RAGHUNATH PATIL
(DEVASI)

.. Applicant

VERSUS

DINKAR RANGRAO SHINDE AND ORS

..Respondents

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Advocate for Applicant : Shri K.B. Jadhav;

Respondents No.1 & 2 – Served.

Advocate for Respondent No.3 : Shri S.G. Chapalgaonkar.

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CORAM : P.R. BORA, J.

Dated: October 11, 2018

PER COURT :

1. Heard the learned Counsel appearing for the respective parties.

2. Delay of 510 days has occurred in filing the appeal by the applicant - claimant seeking enhancement in the amount of compensation awarded by the Tribunal. The learned Counsel submitted that, because of financial constraints and lack of awareness, the delay has occurred in filing the appeal by the applicant.

3. Learned Counsel Shri Chapalgaonkar has opposed

for condoning the delay stating that, the huge delay of more than one year has not been appropriately explained. In the alternative, the learned Counsel submitted that, if at all the Court is inclined to condone the delay, the applicant be disentitled for claiming interest for the period of delay.

4. After having considered the submissions and more particularly after having gone through the contents of the application, it is revealed that, the sufficient reasons are mentioned in justification of the delay caused. However, the alternate submission made by the learned Counsel Shri Chapalgaonkar also deserves to be considered. Delay is not of a shorter period, but of 510 days. The learned Counsel for the applicant also submitted that, the applicant is ready to give up the interest for the period of delay in the event of his success in appeal.

5. In view of the above, the following order is passed.

ORDER

(i) The application is allowed.

- (ii) Delay caused in filing the appeal is condoned.
- (iii) Appeal be registered in accordance with law.
- (iv) It is clarified that, the applicant – appellant will not be entitled for the interest for the period of delay, in the event of his success in appeal on the enhanced amount of compensation.
- (v) Order passed in the present application be kept along with the papers of appeal.

(**PR. BORA, J.**)

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