

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

**956 CIVIL APPLICATION NO.10424 OF 2018
IN FAST/21646/2018 WITH CA/10425/2018 IN
FAST/21938/2018**

**ASHOK UTTAMCHAND RUNWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Shri A.V.Patil (Indrale), Advocate for the applicants.

Shri A.M. Phule, AGP for the respondent Nos.1 and 2.

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CORAM : P.R.BORA, J.

DATE : 03.10.2018

ORDER:

1. Heard Shri A.V.Patil (Indrale), learned counsel appearing for the applicants and Shri A.M.Phule, learned counsel appearing for respondent Nos.1 and 2. Though the acquiring body is duly served, none has entered appearance in the matter on its behalf.

2. The delay of 623 days has occurred in filing the present First Appeals by the applicants i.e. original claimants. The

justification for occurrence of delay is given in para Nos.2 to 4 of the Application.

3. Shri A.M.Phule, learned AGP has opposed for condoning the delay and in the alternative submitted that if the Court is inclined to condone the delay, the applicants shall not be made entitled for the interest for the period of delay.

4. In view of the submission so made, the following order is passed:

ORDER

1. The applications are allowed. The delay caused in filing the present First Appeals is condoned. Civil Applications stand disposed of.

2. It is clarified that in the event of their success in the First Appeals, the applicants shall not be entitled for the interest for the period of delay on the enhanced amount of compensation. The copy of this order be placed along with the papers of the First Appeals.

3. First Appeals be registered in accordance with law. On registration of the Appeals, issue notice to the respondents, returnable after four weeks. Shri A.M.Phule, learned AGP waives service of notice for respondent Nos.1 and 2.

4. List the Appeals for further consideration after four weeks.

[P . R . B O R A]
JUDGE

DDC