

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

39 CIVIL APPLICATION NO. 10706 OF 2018
IN FAST/23624/2018

NALINIBAI SUNIL ICCHAPURKAR AND ORS
VERSUS
UNION OF INDIA

...

Advocate for Applicants : Mr. Kulkarni Mukul S.
Mr. M N Navandar For R/sole (note Of Appearance Filed).

CORAM : P.R. BORA, J.
DATED : 15th OCTOBER, 2018.

PER COURT:-

1. Heard Shri Kulkarni, learned counsel for applicants and learned counsel for sole respondent.
2. Delay of 956 days has occurred in filing the present appeal by the applicants. The reasons for occurrence of delay are explained in para 8 of the application.
3. Learned counsel for the sole respondent has opposed for condoning the delay stating that for the reasons stated in the application, the delay of huge period cannot be condoned. The learned counsel further submitted that the original claim petition of the present applicants itself has been dismissed on the ground of delay and in such circumstances, the applicants were required to be more prudent in preferring the present appeal. The

(2)

learned counsel further submitted that if the Court is inclined to condone the delay, the applicants shall be disentitled from claiming interest for the period of delay if the claim petition is allowed.

4. Having considered the submissions, it appears to me that sufficient explanation is assigned by the applicants and I am, therefore, inclined to allow the present application. Hence, the following order, -

ORDER

i. The delay caused in filing the appeal is condoned. The CA for condonation of delay is disposed of. It is clarified that the applicants shall not be entitled for the interest for the period of delay in the event they succeed in the appeal.

ii. The appeal be registered in accordance with law. On registration of the appeal, issue notice to respondent. Shri Navandar, learned counsel waives service for sole respondent. Service complete.

(3)

. List the appeal for further consideration
after next week.

(P.R. BORA)
JUDGE

bdv