

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

59 CIVIL APPLICATION NO.9446 OF 2017
IN FAST/26150/2016 WITH CA/9447/2017 IN FAST/26146/2016
WITH CA/9448/2017 IN FAST/26152/2016 WITH CA/9449/2017
IN FAST/26148/2016 WITH CA/9450/2017 IN FAST/26154/2016

GORAKH UMRAO MUNDE DEAD THR HIS LRS SUREKHA AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicants : Mr. Devakate Anant R
Mr. SB Narwade, AGP for Respondents: 1 & 2;

CORAM : P.R. BORA, J.

DATED : 29th OCTOBER, 2018.

PER COURT:-

1. Heard Shri Devkate, learned counsel for applicants. These appeals are filed by the original claimants, seeking enhancement in the amount of compensation awarded by the Reference Court. Since some delay has occasioned in filing these appeals, present applications are filed seeking condonation of delay. Delay caused is of 808 days. Learned counsel for the applicants submitted that financial difficulties is the main and foremost reason because of which the appellants applicants could not file the appeals within stipulated period of limitation. The learned counsel further submitted that, till today, the applicants have not received amount of

compensation, as has been enhanced by the Reference Court.

2. Learned AGP though has disputed the submissions made by Shri Devkate, learned counsel appearing for the applicants, there is no concrete information in this regard with him as to whether the amount of compensation, as has been enhanced by the Reference Court, has actually been paid or not. In the circumstances, I deem it appropriate to pass the following order, -

ORDER

i. For the reasons stated in the application, which according to me are just and sufficient, delay of 808 days caused in filing the appeals, is condoned. The Civil Applications for condonation of delay are disposed of.

ii. It is clarified that the applicants may not be entitled for the statutory benefits as well as interest for the period of one year in case they succeed in the appeals and amount of compensation is enhanced on the said enhanced amount of compensation;

(3)

iii. Appeals be registered in accordance with law. On registration of the appeals, issue notice to the respondents. Learned AGP waives service for State.

iv. Call R and P.

. A copy of the present order be kept along with the papers of appeals.

(P.R. BORA)
JUDGE

bdv