

(1)

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

**946 CIVIL APPLICATION NO. 2004 OF 2017  
IN FAST/26558/2016 WITH CA/2005/2017 IN  
FAST/26566/2016 WITH CA/2006/2017 IN  
FAST/26562/2016**

**VAIJNATH WALMIK KANDE  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS**

...

Advocate for Applicants : Ms. Sujata Laxman Puri  
AGP for Respondents: Mr. A.M. Phule

...

**CORAM : P.R. BORA, J.  
DATED : 19<sup>th</sup> OCTOBER, 2018.**

**PER COURT:-**

. Heard Smt. Puri, the learned counsel appearing for the applicant and Shri Phule, the learned AGP appearing for respondent-State.

2. The acquiring body though has been duly served, no one has entered appearance on its behalf. The delay of 1138 days has occurred in filing these appeals by the original claimants seeking enhancement in the amount of compensation awarded by the Reference Court. The learned counsel for the applicant at the outset submitted that the applicants are ready to give up the right to receive the statutory benefits and the interest of the intervening period on the enhanced amount of compensation if they succeed in the appeals. In

(2)

view of the submissions so made, the following order is passed:

**ORDER**

- i) The delay of 1138 days caused in filing the appeals is condoned. The appeals be registered in accordance with law.
- ii) It is clarified that the applicants shall not be entitled for the statutory benefits or interest in the event of their success in the appeals on the enhanced amount of compensation for the period of delay.
- iii) Civil applications for condonation of delay stand disposed of.
- iv) Copy of the present order be kept along with the present appeals.

**(P.R. BORA, J.)**

Mujaheed//