

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

**931 CIVIL APPLICATION NO. 13119 OF 2018
IN FAST/27389/2018**

**KALYAN MALHARRAO SAPKAL
VERSUS
THE STATE OF MAHARASHTRA AND ANR.**

...
Advocate for Applicant : Shri S.P. Katneshwarkar
AGP for Respondent Nos.1 & 2 : Shri A.M.Phule

...
**CORAM : P.R.BORA, J.
DATE: 23rd October, 2018**

PER COURT:-

1 Issue notice to the respondents. Learned AGP Shri A.M.Phule waives service of notice for both the respondents. Service complete.

2 Heard learned Counsel appearing for the applicant. Delay of 1227 days has occurred in filing the appeal by the original claimant. The learned Counsel submitted that the financial constraints and lack of awareness are the grounds because of which the appeal could not be filed within the stipulated period of limitation. Learned Counsel submitted that substantial grounds are raised in exception to the impugned Judgment and therefore, prayed for condoning the delay so that the appeal can be heard on merits.

3 Learned AGP Shri Phule opposed for condoning the delay stating that the huge delay has not been properly explained and alternatively submitted that if this Court inclines to condone the delay, the claimant shall be dis-entitled for claiming the interest for the period of delay in the event of his success in the

appeal.

4 The learned Counsel for the applicant immediately conceded for passing such order.

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

ORDER

I) Delay of 1227 days caused in filing the appeal is condoned.

II) Civil Application No.13119 of 2018 stands disposed of.

III) It is clarified that in the event of his success, the applicant - appellant will not be entitled for any statutory benefit or interest for the period of delay on enhanced amount of compensation.

IV) Appeal be registered in accordance with law.

V) After registration of appeal, issue notice to the respondents. Shri A.M.Phule, learned AGP waives service of notice for both the respondents. Service complete.

VI) List the appeal for further consideration on 21.11.2018.

VII) Keep a copy of this order in the papers of appeal.

(P.R.BORA)
JUDGE