

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

**943 CIVIL APPLICATION NO.13455 OF 2018
IN FAST/30945/2018**

**PATANGRAO @ PANTIGRAO UAMAJI @ AGAJI MULEY (DIED)
THRLRS CHANDRAKALA AND ANR**

VERSUS

THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicants : Shri A.H. Koralkar;
AGP for Respondents : Shri S.B. Narwade.

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CORAM : P.R. BORA, J.

Dated: October 31, 2018

PER COURT :

1. Issue notice to the respondents. Learned AGP Shri Narwade waives service of notice for the respondents. Service complete.

2. Delay of 1532 days has occurred in filing the present appeal by the original claimants. The reasons for occurrence of delay are stated in paragraph nos.2 to 4 of the application. The learned AGP though has opposed for condoning the delay, in the alternative submitted that if the Court is inclined to condone the delay, the respondent – State shall not be saddled with the burden of interest in the event of success of the applicants in the

appeal. In view of the submissions so made, the following order is passed.

ORDER

- (i) Civil Application is allowed.
- (ii) The delay caused in filing the appeal is condoned. The appeal be registered in accordance with law. Civil Application stands disposed of.
- (iii) It is clarified that, in the event the appellants-applicants succeed in the appeal, they shall not be entitled for the interest for the period of delay on the amount of compensation, which may be determined by this Court or in case of remand, if any amount of compensation is awarded by the Reference Court, on that amount for the period of appeal.
- (iv) Keep the copy of the present order with the papers of appeal.
- (v) List the appeal for further consideration on 02.11.2018.

(PR. BORA, J.)

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