

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

**951 CIVIL APPLICATION NO. 2429 OF 2018
IN FAST/31781/2012 WITH CA/2430/2018 IN
FAST/31786/2012 WITH CA/2431/2018 IN
FAST/31784/2012 WITH CA/2432/2018 IN
FAST/31789/2012 WITH CA/2433/2018 IN
FAST/31779/2012 WITH CA/2434/2018 IN
FAST/31777/2012**

SANGITA NAGNATHRAO KAKADE .. Applicant
VERSUS
THE STATE OF MAH AND ORS ..Respondents

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Advocate for Applicant : Shri M.P Tripathi ;
AGP for Respondents No.1 & 2 : Shri P.G. Borade;
Respondent No.3 – Served.
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CORAM : P.R. BORA, J.
Dated: September 25, 2018

PER COURT :

1. Heard Shri M.P. Tripathi the learned Counsel appearing for the applicants- original claimants and Shri P.G. Borade the learned AGP appearing for the respondents – State. Though the Acquiring Body is duly served, no one has entered appearance on its behalf.

2. Delay of 387 days has occurred in filing these appeals by the original claimants. The learned Counsel

submitted that, because of financial constraints as well as unawareness, the delay has occurred in filing the appeals by the applicants. Learned AGP has opposed for condoning the delay stating that, the huge delay of more than one year has not been appropriately explained. In the alternative, the learned AGP submitted that, if at all the Court is inclined to condone the delay, the applicants be disentitled for claiming interest for the period of delay.

3. After having considered the submissions and more particularly after having gone through the contents of the applications, it is revealed that, the sufficient reasons are mentioned in justification of the delay caused. However, the alternate submission made by the learned AGP also deserves to be considered. Delay is not of a shorter period, but of 387 days. The learned Counsel for the applicants also submitted that, the applicants are ready to give up the interest for the period of delay in the event of their success in appeal.

4. In view of the above, the following order is passed.

ORDER

- (i) Delay caused in filing the appeals is condoned.
- (ii) The appeals be registered in accordance with law.
- (iii) It is clarified that, the appellants – applicants shall not be entitled for any interest for the period of delay in the event of their success in appeal on the enhanced amount of compensation.
- (iv) Civil Applications for condonation of delay stand disposed of.
- (v) Copy of the present order be kept in the papers of the appeal.

(PR. BORA, J.)

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