

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1360 OF 2018
IN
FIRST APPEAL (ST.) NO. 3628 OF 2018**

Namdev Laxman Khadakhade
since deceased
through legal heirs & Ors.

.. Applicants
(Orig. Claimants)

Vs.
The State of Maharashtra & Ors.

.. Respondents
(Orig. Opponents)

Dr.Ramdas P. Sabban, Advocate for applicants.

Ms. Tanaya Goswami, AGP for respondent Nos.1 and 2.

**CORAM : A.S. CHANDURKAR, J.
DATE : 4TH DECEMBER 2018**

P.C.

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1 Considering the nature of the order proposed to be passed, the service on the un-served respondents is dispensed with for the present application.

2 The applicants are the original claimants who have challenged the award passed by the Reference Court as they are not satisfied with the amount of compensation as granted.

3 The appeal has been filed beyond the period of limitation. The reasons for the delay are mentioned in paragraphs 2 and 3 of the

application.

4 The prayer for condonation of delay is opposed by the respondent Nos.1 and 2 by filing reply. It has been stated that the explanation furnished is insufficient. Considering the fact that the reference proceedings have been dismissed, it cannot be said that the delay has been deliberately caused. Similarly, the medical report supports the averments made in the application. At the same time, the equities would have to be balanced. In that view of the matter, it can be directed the applicants would not be entitled for interest on the amount of compensation if enhanced by this Court.

5 Accordingly the delay in filing the appeal is condoned on the condition that the applicants would not be entitled for interest on the amount of compensation if enhanced by this Court for the period from 4th February 2014 till 9th March 2018. The civil application is disposed of in aforesaid terms.

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6 It is submitted by the learned counsel for the appellants that the appeals arising out of the similar Notification have been placed before the National Lok Adalat on 8th December 2018 and requests this appeal also be placed before the National Lok Adalat on 8th December 2018.

7 The matter to be placed before the Lok Adalat on 8th December 2018 along with First Appeal No.582 of 2013.

8 The learned counsel for the appellants undertakes to inform the appellants about this order.

(A.S. CHANDURKAR, J.)