

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

**1095 CIVIL APPLICATION NO.135 OF 2019
IN FAST/2348/2018
WITH CA/136/2019 IN FAST/2419/2018**

**SHAILESH DIGAMBAR POTDAR (DIED) THR LRS VINOD SHAILESH
POTDAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

...
Advocate for Applicant : P.P. Dama h/f Mr. Ingale Vivekanand V.
AGP for Respondent Nos.1 and 2/State : Mr. A.M. Phule
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 5th JULY 2019

ORDER :

1. Present application has been filed for getting delay of 1079 days condoned in filing First Appeal.
2. The applicant is original claimant who intends to challenge the award passed by the reference Court on the ground of quantum. He has contended that he being illiterate person was not having sufficient knowledge about the legal proceedings. Though the application has been strongly opposed by respondent Nos.1 and 2 through learned AGP on the ground that the delay is huge and inordinate and has not been explained on day to day basis.
3. Taking into consideration the fact that the applicant is an illiterate person, liberal approach is taken, delay is condoned.

4. Civil Application stands allowed and disposed of accordingly.
5. Registry to verify and register the First Appeal and place it for further consideration on 09-12-2019.
6. Applicant is not entitled to get interest on the amount of compensation enhanced, if any, at the time of disposal of the First Appeal.

(Smt. Vibha Kankanwadi, J.)

Shubham/