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

**1051 CIVIL APPLICATION NO.2658 OF 2017
IN FAST/3387/2017**

NIVRUTTI PARAPPA SHINDE
VERSUS
THE EXECUTIVE ENGINEER, M..D. OSMANABAD AND ANR

...
Advocate for Applicant : Mr. Patil Jayant R.
AGP for Respondents : Mr. P.M. Kulkarni
...

**CORAM : P.R. BORA, J.
DATED : 01st March, 2019.**

PER COURT:-

. Heard Shri J.R. Patil, the learned counsel appearing for the applicant and Shri Kulkarni, the learned AGP for respondent-State.

2. Though, the acquiring body is duly served, no one has caused appearance in the matter. The learned counsel for the applicant submitted that due to financial difficulties and lack of awareness, the appeal could not be filed by the present applicant seeking enhancement in the amount of compensation. The learned counsel submitted that the applicant is ready to waive the interest for the period of delay in the event of his success in appeal.

(2)

3. In view of the submissions made, though the learned AGP has opposed for condoning the delay, I am inclined to allow the present application. Hence, the following order:

ORDER

- i) The application is allowed.
- ii) The delay caused in filing the appeal is condoned. The appeal be registered in accordance with law.
- iii) The civil application stands disposed of.
- iv) After registration of the appeal, issue notice to the respondents. Shri Kulkarni, the learned AGP waives notice for respondent-State.
- v) It is clarified that the appellant shall not be entitled for the interest for the period of delay on the enhanced amount of compensation, in the event of his success in appeal.
- vi) Copy of the present order be kept along with the appeal.

(P.R. BORA, J.)

Mujaheed//