

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

**1054 CIVIL APPLICATION NO.6588 OF 2018
IN FAST/6067/2018**

BALIRAM TUKARAM KADAM AND NR
VERSUS
SUNIL RAMRAO GHUGE AND ORS

...

Advocate for Applicants : Mr. S.S. Patil h/f Mr. Raje Vikrant P.

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

PER COURT:-

. Though respondent nos. 1 to 3 are duly served,
no one has caused appearance on their behalf.

2. The delay of 733 days has occurred in filing the
appeal. The reasons as are assigned in justification of the
delay cannot be outrightly rejected. In the circumstances,
though, I am inclined to condone the delay, it would not be
unjust if the applicants are dis-entitled from claiming the
interest for the period of delay in the event of their success
in the appeal. Hence the following order:

ORDER

- i) The delay caused in filing the appeal is condoned. The
appeal be registered in accordance with law.
- ii) The civil application stands disposed of.
- iii) After registration of the appeal, issue notice to the

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respondents, returnable after eight weeks.

iv) It is clarified that in the event of success in appeal, the appellants shall not be entitled for the interest for the period of delay on the enhanced amount of compensation.

v) The copy of the present order be kept along with the papers of the appeal.

vi) List the appeal for further consideration after eight weeks.

(P.R. BORA, J.)

Mujaheed//