

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

33 CIVIL APPLICATION NO.5830 OF 2018
IN FAST/7354/2018

RADHAKISAN SAKHARAM TEKULE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicant : Mr. A.H. Koralkar
AGP for Respondents: Mr. A.M. Phule
Advocate for Respondent No.3 : Mr. S.G. Karlekar

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CORAM : P.R. BORA, J.

Date: January 21, 2019

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PER COURT :-

1 Heard learned counsel appearing for the applicant, Mr. S.G. Karlekar, learned counsel appearing for the acquiring body and Mr. A.M. Phule, learned AGP for the State.

2 It is brought to my notice that in the companion appeals, the delay ranging between the period 648 days to 1556 days has been condoned by this Court. It is also brought to my notice that this Court, while allowing the said application, has dis-entitled those applicants from claiming interest for the period of delay. Learned counsel has prayed for passing appropriate order. Hence, the following order:-

ORDER

(I) The application is allowed.

(II) The delay caused in filing the appeal is condoned. Appeal be registered in accordance with law.

(III) It is clarified that, in the event of success in appeal, the applicant-claimants shall not be entitled for the interest for the period of delay on the enhanced amount of compensation.

(IV) The copy of the present order be kept in the papers of appeal.

(v) On registration of the appeal, issue notice to the respondents. Mr. S.G. Karlekar learned counsel waives notice for acquiring body. Mr. A.M. Phule, learned AGP waives service on behalf of the State.

(vi) List the matter for final disposal at admission stage on 18.2.2019.

(P.R.BORA)
JUDGE

vbd