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

**953 CIVIL APPLICATION NO.9775 OF 2018
IN FAST/9048/2018**

**DHANANJAY JIVANRAO VEER AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

...

Advocate for Applicants : Mr. Naiknavare Ramesh V.

AGP for Respondents : Mr. A.M. Phule

Advocate for Respondent No.2 : Mr. U.P. Giri

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CORAM : P.R. BORA, J.

DATED : 25th FEBRUARY, 2019.

PER COURT:-

. Heard Shri Naiknavare, the learned counsel appearing for the applicants.

2. Though the delay of 1638 days has occurred in filing the appeal by the original claimants seeking enhancement in the amount of compensation, the applicants have undertaken not to claim interest for the period of delay in the event their appeal is allowed and the amount of compensation is advanced. Though the learned AGP and the learned counsel appearing for the acquiring body have opposed for condoning the delay, I am inclined to condone the delay. Hence, the following order is passed:

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. The learned AGP Shri Phule waives notice for respondent nos. 1 and 3. Shri Giri waives notice for the acquiring body.
- v) It is clarified that in the event of their success in the appeal, the appellants-claimants shall not be entitled for the interest on the enhanced amount of compensation for the period of delay.
- vi) The copy of the present order be kept in the appeal.
- vii) List the appeal for further consideration after six weeks. Call record and proceedings.

(P.R. BORA, J.)