

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

23 CIVIL APPLICATION NO.9779 OF 2012 IN FAST/19135/2012

SURESH MADHAVRAO MANWATKAR
VERSUS
THE STATE OF MAH AND ORS

WITH

CIVIL APPLICATION NO.9780 OF 2012 IN FAST/19132/2012

BABASAHEB MADHAVRAO MANWATKAR
VERSUS
THE STATE OF MAH AND ORS

....

Advocate for Applicants : Mr. S.G. Joshi
AGP for Respondent Nos. 1 and 2 : Mr. A.M. Phule
Advocate for Respondent No.3 : Mr. A.P. Yengure

....

CORAM : P.R. BORA, J.

DATED : 04th FEBRUARY, 2019

PER COURT:-

1. Heard Shri Joshi, the learned counsel for the applicants as well as Mr. Phule, the learned AGP appearing for the State and Mr. Yengure, learned counsel appearing for the acquiring body.

2. It is the contention of the applicant that delay caused in filing of the present appeals has occurred for genuine reason since the amount of compensation was not received to the respective claimants. The learned counsel submitted that the applicants are entitled for much more amount of compensation than the compensation, enhanced by the Reference Court. The

learned counsel submitted that the applicants are ready to waive the interest for the period of delay in the event of their success in appeals. The learned counsel, has therefore, prayed for condoning the delay, which has occasioned in filing of the the appeals.

3. The learned counsel Shri Yengure opposed for condoning the delay stating that inordinate delay has not been properly explained by the claimants.

4. After having considered the submissions made by the learned counsel, it appears to me that the delay occasioned in filing of the appeals is not deliberate and the reasons as are stated in the application for condoning the delay, are difficult to be outrightly discarded. Moreover, the applicants have undertaken not to claim interest for the period of delay in the event of their success in the appeals. In the circumstances, the following order is passed :-

ORDER

[i] The applications for condonation of delay are allowed.

[ii] Delay caused in filing the present appeals is condoned.

[iii] Civil Applications for condonation of delay stand disposed of.

[iv] The appeals be registered in accordance with law.

[v] After registration of appeals, issue notice to the respondents. Mr. Phule, learned AGP waives service of notice for respondent nos.1 and 2 and Mr. Yengure, learned counsel waives service of notice for the respondent no.3-acquiring body. Service complete.

[vi] It is clarified that in the event of their success in the appeals, the appellants shall not be entitled for the interest for the period of delay on the enhanced amount of compensation.

[vii] Copy of the present order be placed alongwith the papers of appeals.

[viii] List all these appeals for further consideration after six weeks.

[ix] Call Record and Proceedings.

**(P.R. BORA)
JUDGE**

Sudhir Rane